

## **Prolific and other Priority Offenders**

A joint inspection of the PPO  
programme

A joint inspection by HMI  
Probation, HMCPSI, HMICA, HMI  
Prisons and HMIC

## Foreword

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The Prolific and other Priority Offender (PPO) programme started in its present form in 2004, in succession to the earlier Persistent Offender scheme. The original idea had been to require the five Criminal Justice System (CJS) services to focus their collective energies on providing an enhanced service at each stage in the criminal justice process, with the aim of tackling offending by the relatively small number of offenders who together commit a disproportionately large amount of the crime recorded at any one time. In 2008, the idea of this inspection was for the CJ inspectorates collectively to assess the progress achieved so far, and we are pleased to publish our findings in this joint report.

Our report in 2004 on the earlier Persistent Offender scheme had made recommendations for a more organised and consistent approach to identifying offenders for this priority service, and how they could be managed. In this new inspection we have been pleased to find that the PPO programme has made a good job of implementing those recommendations. But, inevitably, we have also found a number of aspects of the service where we have identified issues that require new specific recommendations for improvement. Notably, we consider that the National Premium Service needs reviewing at the court stage in the light of other developments since 2004, and we also consider that the service with PPOs serving prison sentences of less than 12 months needs strengthening in practice. Nevertheless, in the interests of fairness, we should take this opportunity to comment that in our view the PPO programme as a whole continues to be in overall terms a useful provision that should continue to attract support.

We do expect the service delivery organisations to note and act upon our specific recommendations, but it should be recognised that the overall tone of this report is a positive one.

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## Glossary of abbreviations

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APACS/NI30	Assessment of Police and Community Safety/National Indicator 30: part of the Assessment of Police and Community Safety and Comprehensive Area Assessment performance management frameworks. APACS/NI30 measures the rate of reoffending in an agreed cohort of Prolific and other Priority Offenders in the previous year and is used to set a decreasing target for the number of offences to be committed by them in the forthcoming 12 months.
BCU	Basic Command Unit
CARATS	Counselling, Assessment, Reference, Advice and Throughcare Service: a multi-disciplinary Tier 2 and 3 drug treatment service in prisons that provides a gateway to drug treatment and other services for those in custody
CDRP	Crime and Disorder Reduction Partnership: multi-agency partnerships set up in each local authority in England with funding from the Home Office to achieve a community-based approach to crime reduction. The statutory partners are police, the local authority, the police authority, the fire authority and primary care trust.
CJCIG	Criminal Justice Chief Inspectors' Group consisting of the five Chief Inspectors of the criminal justice inspectorates
CJSSS	Delivering Simple, Speedy, Summary Justice Initiative: an initiative established in 2007 to improve the speed and effectiveness of the magistrates' courts system
CMS	Case Management System
Constructive intervention	A constructive intervention, as distinct from a restrictive intervention, is where the <i>primary purpose</i> is to reduce likelihood of reoffending. In the language of offender management, this work is to achieve the 'help' and 'change' purposes, as distinct from the 'control' purpose
CPS	Crown Prosecution Service
CSP	Community Safety Partnership: multi-agency partnerships set up in each local authority in Wales with funding from the Home Office to reduce crime and substance misuse. Key organisations include the police, local authority, fire and rescue service, National Health Service, voluntary organisations and community groups.
HM	Her Majesty's
HMCPSI	HM Crown Prosecution Service Inspectorate
HMCS	HM Courts Service
HMIC	HM Inspectorate of Constabulary

HMICA	HM Inspectorate of Court Administration
HMI Prisons	HM Inspectorate of Prisons
HMI Probation	HM Inspectorate of Probation
HMP	HM Prison
IDTS	Integrated Drug Treatment Service: an initiative that aims to improve the clinical and psychological drug treatment services offered within prisons. It also focuses on providing continuity of care between prisons and the community.
IPP	Indeterminate Sentence of Imprisonment for Public Protection
JTrack	Web-based programme tracking Prolific and other Priority Offenders through the Criminal Justice System
LAA	Local Area Agreement
LCJB	Local Criminal Justice Board: these boards bring together the chief officers of the local Criminal Justice Service agencies to coordinate activity and share responsibility for delivering criminal justice in their areas. They report to the National Criminal Justice Board
Libra	HM Courts Service's national case management and accounting information technology system
LIDS	Local Inmate Database System: the prison service database of prisoner records
NOMS	National Offender Management Service: the evolving single service covering both the probation and prison services
OASys	Offender Assessment System: the prescribed framework for both the probation and prison services to assess offenders
OCJR	Office for Criminal Justice Reform
OGRS 3	Offender Group Reconviction Scale 3: a predictor of reoffending based only on static risks, such as age, gender and criminal history
PIP	Professional Investigation and Interview
PNC	Police National Computer
PPO	Prolific and other Priority Offender
PSR	Pre-sentence report: a written document prepared at the request of the court. It usually contains proposals for sentence and comments on the Risk of Harm posed by offenders, their likelihood of reoffending and the factors which need to be addressed to support desistance from future offending
PTPM	Prosecution Team Performance Management
Restrictive intervention	A restrictive intervention, as distinct from a constructive intervention, is where the <i>primary purpose</i> is to keep to a minimum the offender's Risk of Harm to others. In the new language of offender management this is work to achieve

the 'control' purpose, as distinct from the 'help' and 'change' purposes

Risk of Harm	As distinct from likelihood of reoffending: if an offender has a medium or higher Risk of Harm it means that there is some probability that they may behave in a manner that causes physical or psychological harm (or real fear of it) to others. The offender's Risk of Harm can be kept to a minimum by means of restrictive interventions.
YJB	Youth Justice Board: an executive, non-departmental public body which oversees the youth justice system in England and Wales. Its Board members are appointed by the Secretary of State for Justice
YOT/YOS	The Youth Offending Team/Youth Offending Service works with children and young people aged between ten and 17 years who have offended or are at risk of offending. A partnership approach with workers seconded from children's services, police, probation, health, etc. Managed under the auspices of the local authority's chief executive's office.

## Summary

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### Introduction

The Prolific and other Priority Offender programme was introduced in 2004 as a way of targeting the small number of offenders known to commit a disproportionately large amount of crime. It placed responsibility on local Crime and Disorder Reduction Partnerships and Community Safety Partnerships to establish local schemes, usually multi-agency partnerships primarily involving police and probation, to work with Prolific and other Priority Offenders.

The strategy has three complementary strands, each designed to tackle prolific offending and its causes:

- ▶▶ **Prevent and Deter** – stopping young people from becoming prolific offenders
- ▶▶ **Catch and Convict** – reducing offending by apprehension and conviction, and through enforcement, by ensuring a swift return to court for those who continue to offend
- ▶▶ **Rehabilitate and Resettle** – working to increase the number of such offenders who stop offending by offering a range of supportive interventions.

The implementation of the strategy was supported by the *National Premium Service Specification*, which was published in August 2005, and set out the minimum standards for working with Prolific and other Priority Offenders. It established expectations to be met by all the criminal justice agencies, covering the entire spectrum of the Prolific and other Priority Offender's involvement with the criminal justice system.

This purpose of this inspection, which was agreed by the Criminal Justice Chief Inspectors' Group and formed part of the Joint Inspection Business Plan 2008/2009, was to consider the contributions made by the criminal justice agencies to the schemes and assess their effectiveness. It focused on the implementation of the *Catch and Convict* and *Rehabilitate and Resettle* strands of the strategy.

### Overall finding

Most of the Prolific and other Priority Offender schemes we visited during the inspection were generally performing well in the community and delivering interventions leading to potentially positive outcomes. Individuals identified as Prolific and other Priority Offenders were usually supervised intensely by a range of service providers engaged in tackling the underlying problems related to offending. The enforcement of community orders and licences was well managed and we found that the schemes offered far greater opportunities for restrictive



and constructive interventions than the standard supervision regimes. It was, however, too early to assess the impact of the schemes in relation to long-term resettlement success, once Prolific and other Priority Offenders ceased to be under enhanced supervision.

Focused joint work, where it took place, was found to be effective and the Prolific and other Priority Offender schemes were thought by stakeholders, at both a local and national level, to represent a good investment. Whilst undoubtedly resource intensive they were, in our view, a cost-effective initiative targeting a group of offenders whose behaviour was very damaging to local communities.

Although we felt that the National Premium Service provided a useful function in specifying the contributions to be made by the respective criminal justice agencies when working with Prolific and other Priority Offenders, we identified a number of deficiencies with its operation. These are detailed below and relate primarily to the need to update the National Premium Service's requirements to take account of other criminal justice developments and locate Prolific and other Priority Offenders securely in the developing model of offender management. Considerable confusion existed about how to deal with those offenders serving sentences of under 12 months and not subject to probation supervision on release. Work in prisons suffered, in particular, from insufficient liaison with Prolific and other Priority Offender schemes and, in the absence of effective file marking by other agencies, many prisons experienced difficulties in identifying Prolific and other Priority Offenders and prioritising work to address their behaviour.

### **Specific findings**

We found that:

- ▶ Although the National Premium Service provided a general framework of expectations for specialist and non-specialist staff working with Prolific and other Priority Offenders, the standards it established were not structured around specific measurable targets and therefore performance against them was difficult to assess.
- ▶ The National Premium Service allowed for the precise governance arrangements of schemes to be determined locally, but placed responsibility on Local Criminal Justice Boards to ensure that agencies were delivering the Premium Service in their area. Although the Local Criminal Justice Boards in the areas we visited had not generally sought to explore their performance in any detail, most of the schemes included in the inspection were performing satisfactorily and the level of oversight exercised was, in the main, appropriate given their size.
- ▶ The inclusion of Assessment of Police and Community Safety/National Indicator 30 in over half the Local Area Agreements, signified the increasing importance of the Prolific and other Priority Offender schemes in the Local Authority structure.

- ▶▶ The failure to update the National Premium Service and other guidance in light of further developments in the criminal justice system, such as the implementation of the *Delivering Simple, Speedy, Summary Justice Initiative* and Phase II of the National Offender Management Model, caused confusion amongst those working with Prolific and other Priority Offenders, particularly those serving sentences of less than 12 months imprisonment.
- ▶▶ The allocation of specially trained police officers, with a professional investigation and interview qualification, to investigate *all* crimes alleged to have been committed by Priority and other Prolific Offenders, as required by the Premium Service, was unnecessary and did not allow police forces sufficient flexibility to prioritise their resources appropriately.
- ▶▶ The links between the Prolific and other Priority Offender schemes and Neighbourhood Policing Teams needed to be strengthened by better coordination and improved communication.
- ▶▶ Other criminal justice projects, such as the *Delivering Simple, Speedy, Summary Justice Initiative*, had reduced the time taken to process all cases from arrest to sentence.
- ▶▶ Lack of information about the Prolific and other Priority Offender status of alleged offenders did not appear to have compromised the quality of Crown Prosecution Service decision making; the general expedition of cases through the courts balanced out, in most areas, the absence of any activity specifically directed at Prolific and other Priority Offender cases.
- ▶▶ On the other hand, the absence of effective file marking by the police, Crown Prosecution Service and courts, particularly committal warrants, meant that prisons may not have been aware of the Prolific and other Priority status of offenders, and so were not able to assess their needs and prioritise them for appropriate programmes and interventions.
- ▶▶ In the absence of effective engagement with the Prolific and other Priority Offender schemes, prisons often had difficulty in balancing the needs of different groups of prisoners and failed to prioritise Prolific and other Priority Offenders' access to interventions even when they were aware of their status. There was particular confusion about the application of the Prolific and other Priority Offender programme to those serving under 12 months' imprisonment.
- ▶▶ The timescale set by the National Premium Service for the completion of initial sentence plans on Prolific and other Priority Offenders sentenced to terms of imprisonment was generally regarded by National Offender Management Service managers as unrealistic and tended to be disregarded. As a result, interventions for Prolific and other Priority Offender prisoners were not planned, sequenced, prioritised or delivered in a structured timely manner.
- ▶▶ The work undertaken with Prolific and other Priority Offenders in the community was, in the main, of a good standard. Although we were concerned about the quality of some of the assessments seen, Prolific and other Priority Offender schemes seemed generally to be effective in addressing the various factors that contributed to individual offending. Two

thirds of the offenders we interviewed thought that the scheme had helped them to access services and make positive changes in their behaviour.

- ▶▶ Youth offending teams gave high priority to work aimed at preventing children and young people's involvement in further criminal activity through the *Prevent and Deter* strand of the Prolific and other Priority Offender programme and generally saw the National Premium Service as being predicated on work with adult offenders. Although the teams provided intensive programmes of intervention to young Prolific and other Priority Offenders, in some instances, opportunities to share information and police intelligence about them were missed, leading to delays in identifying any increase in offending. These issues had already been recognised at a strategic level and work had been taken to address them by the Youth Justice Board in collaboration with Office for Criminal Justice Reform, the Home Office and Ministry of Justice, resulting in the publication of the *Management Framework: Deter Young Offender Scheme* in April 2009.
- ▶▶ Although most schemes had clear processes to agree the adoption of Prolific and other Priority Offenders through use of an agreed matrix, it was rarely used systematically to review cases or justify their continuation as Prolific and other Priority Offenders.
- ▶▶ Attempts to track Prolific and other Priority Offender cases as they moved through criminal justice system by use of JTrack were largely found to be ineffective. Although most of the cases we saw during the inspection had been entered onto JTrack, only a sixth were actively tracked through the system.

## Conclusion

The issues raised in this report are addressed by our recommendations.

## Recommendations

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### ***The Home Office and the Office for Criminal Justice Reform should ensure that:***

- ▶ the National Premium Service is reviewed in light of the findings of this inspection and the implementation of both the *Delivering Simple, Speedy, Summary Justice Initiative* and the Offender Management Model. Any requirements of the reviewed service should be consistent with agency policies, add value and be measurable.

### ***The Home Office should ensure that:***

- ▶ the demand for performance information from schemes is reduced, focusing on the desired outcome of a reduction in reoffending
- ▶ performance monitoring arrangements support effective practice and cease to operate as a disincentive to the appropriate de-registration of Prolific and other Priority Offender cases
- ▶ JTrack should be subject to a full independent cost-benefit analysis, its use reconsidered, and if it is to be continued, reviewed to ensure that it meets both the operational requirements of Prolific and other Priority Offender schemes and supports effective practice as well as informing strategic developments.

### ***The Ministry of Justice and the Home Office should ensure that:***

- ▶ the effective exchange of information between all criminal justice agencies is improved so that Prolific and other Priority Offenders are identifiable on arrival in prison custody and their needs effectively assessed, prioritised and addressed.

### ***The National Offender Management Service should:***

- ▶ increase the knowledge and awareness of its staff about the requirements of the Prolific and other Priority Offender programme by:
  - updating the Prison Service Order 4615 and guidance on Prolific and other Priority Offenders to ensure they are consistent with the Offender Manager Model and other developments in the management of offenders
  - issuing the revised orders and guidance to probation teams and prison staff, supported by training.
- ▶ clarify the roles of prisons and Prolific and other Priority Offender schemes in relation to those offenders serving less than 12 months imprisonment
- ▶ ensure that within 24 hours of arrival in prison custody a protective factor assessment of needs is carried out and a sentence plan is subsequently

developed in a structured timely manner focusing on how these needs can be met

- ▶ ensure that Prolific and other Priority Offenders' access to the interventions identified in the sentence plan is given priority and facilitated
- ▶ identify performance indicators for Prolific and other Priority Offender schemes that relate to the quality of interventions rather than the speed of assessment.

**Crime and Disorder Reduction Partnerships should:**

- ▶ review the structures of their Prolific and other Priority Offender scheme, exploring any opportunities to work collaboratively with neighbouring schemes
- ▶ ensure that schemes systematically assess and review Prolific and other Priority Offenders at the point of selection onto the scheme and no less than annually thereafter, and that cases demonstrating prolonged and sustained improvement are de-selected as appropriate
- ▶ undertake an audit of the services needed locally to increase the likelihood of offenders successfully engaging with the Prolific and other Priority Offender scheme and put in place a plan to increase provision.

**Probation Areas should:**

- ▶ support the work of the Prolific and other Priority Offender schemes by ensuring that they work together to provide effective interventions, intense contact levels and speedy enforcement for Prolific and other Priority Offenders.

**Youth Offending Teams/Services should:**

- ▶ address repeat offending by children and young people by implementing the requirements of the *Management Framework: Deter Young Offender Scheme*, focusing in particular on the effectiveness of interventions, intensity of contact and enforcement.

**HM Courts Service should:**

- ▶ collaborate with the Home Office in the recommended review of the National Premium Service and provide appropriate guidance for court staff.

**The Crown Prosecution Service should:**

- ▶ collaborate with the Home Office in the recommended review of the National Premium Service and provide appropriate guidance for prosecutors.

**Chief Constables should:**

- ▶ encourage the continued investment of police resources in Prolific and other Priority Offender schemes
- ▶ ensure that Neighbourhood Policing Teams understand the importance supporting the work of Prolific and other Priority Offender teams and communicate effectively with them.

## 1. THE STRUCTURE OF THE INSPECTION

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- 1.1 The inspection of Prolific and other Priority Offender (PPO) schemes was agreed by the Criminal Justice Chief Inspectors' Group (CJCIG) and formed part of the Joint Inspection Business Plan 2008/2009<sup>1</sup>. Its purpose was 'to consider the individual criminal justice agencies' contributions to the programme against the National Premium Service and assess their effectiveness'.
- 1.2 The inspection was led by HM Inspectorate of Probation (HMI Probation), with support from HM Inspectorate of Court Administration, HM Crown Prosecution Service Inspectorate, HM Inspectorate of Prisons (HMI Prisons) and HM Inspectorate of Constabulary.
- 1.3 The development of the methodology was informed by a scoping exercise undertaken in 2007/2008, which defined the number and types of cases to be inspected. A decision was taken to focus on the *Catch and Convict* and the *Rehabilitate and Resettle* stands of the strategy.
- 1.4 A set of criteria was then devised for the inspection based on the National Premium Service, relevant guidance and national standards for each of the inspected bodies. These criteria focused on:
  - ▶ the identification of PPOs
  - ▶ targeting of PPOs
  - ▶ case preparation and charging
  - ▶ court processes
  - ▶ interventions and enforcement
  - ▶ leadership.
- 1.5 In order to give us a wide range of practice to inspect, we selected the following six PPO schemes from across England and Wales for inclusion in the inspection: Camden, Cumbria, Norwich, Plymouth, Sandwell and Swansea. Each of these schemes had a different organisational structure and, between them, covered both urban and rural areas and those with ethnically diverse populations.
- 1.6 Each of the schemes was asked to provide documentary evidence in advance of the fieldwork. The schemes were also invited to identify key providers and stakeholders to be interviewed during the course of the fieldwork.
- 1.7 A file reading tool was developed specifically to inspect the case records held by the prisons, probation area and youth offending teams (YOTs). Files held by the police and Crown Prosecution Service (CPS) were also inspected against an agreed framework.

- 1.8 The methodology was piloted in early September 2008 in Barnsley with the help of all the relevant local agencies. The inspection tools were then amended in light of the experience from the pilot.
- 1.9 Fieldwork for the inspection was undertaken between late September and November 2008. Each of the inspectorates examined case files from the sample in their respective organisations. All of the cases were PPOs identified by the schemes as being current cases in April 2008. During the course of the fieldwork, we inspected 190 probation and YOT files, 95 police files, 82 CPS files and 61 prison files from 15 prisons. The sample was therefore of sufficient size and was also sufficiently representative to allow conclusions to be drawn about the quality of work undertaken with PPOs nationally.
- 1.10 We also interviewed scheme coordinators and those identified by the schemes as being significant stakeholders. These included police, probation, YOT, CPS, court and local authority representatives at an operational and strategic level, managers from partnership organisations and representatives of the Local Criminal Justice Board (LCJB).
- 1.11 In addition, HMI Probation inspectors interviewed 15 offenders in the community using a structured interview tool. HMI Prisons inspectors also carried out semi-structured interviews with a number of offenders during the course of their visits to institutions.
- 1.12 At the end of each fieldwork event, we provided detailed verbal feedback to the PPO scheme coordinator, signposting strengths and areas for improvement, which we confirmed by letter within three weeks. At our request, a copy of the letter was to be forwarded to the chair of the LCJB, other partners in the PPO scheme and the relevant link in the Government Office.



## 2. THE PPO STRATEGY

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- 2.1 According to research, a small group of offenders are responsible for a disproportionately large amount of crime and cause significant damage to local communities.
- 2.2 The PPO programme was introduced in March 2004 to target these individuals through a multi-agency approach. It placed responsibility on local Crime and Disorder Reduction Partnerships (CDRPs) in England and Community Safety Partnership (CSPs) in Wales to establish local schemes, primarily involving police and probation, and empowered them to work with the small group of offenders identified locally a priority as PPOs.
- 2.3 The PPO programme consisted of three, complementary strands, each designed to tackle prolific offending and its causes:
- ▶ **Prevent and Deter** – to stop young people becoming prolific offenders
  - ▶ **Catch and Convict** – actively tackling those who are already prolific offenders
  - ▶ **Rehabilitate and Resettle** – working to increase the number of such offenders that stop offending by offering a range of supportive interventions.
- 2.4 Shortly after its launch, the Home Office issued national guidance on the programme's implementation. Its aim in doing so was to provide a framework within which CDRPs/CSPs could shape local schemes and agree the level of service provision for the management of PPOs. It was envisaged that this work would build on the experience of other previous cross-cutting strategies, such as the Street Crime Initiative<sup>2,3</sup> and the Persistent Offender scheme<sup>2,3</sup>. At this time, policing priorities as indicated by the Police Performance Assessments emphasised the importance of tackling burglary, robbery and vehicle crime and offenders committing these crimes were usually prioritised by PPO schemes.
- 2.5 Responsibility for the provision of the Premium Service and its promotion to PPO schemes was given to the LCJBs.
- 2.6 In August 2005, the Home Office issued a further document, the *Prolific and other Priority Offender Strategy Premium Service; National Premium Service Specification*<sup>4</sup> that set out the minimum standards for dealing with PPOs throughout the criminal justice system, as agreed by the National Criminal Justice Board and PPO Programme Board. LCJBs were to ensure that agencies were clear about the responsibilities placed upon them and were delivering a distinctive Premium Service in their area. All areas were expected to be compliant with the specification by March 2006.

- 2.7 It aimed to provide:
- ▶ a clear and consistent set of requirements for the Premium Service in criminal justice areas
  - ▶ a common framework within which criminal justice agencies must operate
  - ▶ examples of emerging good practice
  - ▶ a basis for LCJBs to hold local agencies to account.
- 2.8 The National Premium Service did not specify how individual schemes should be organised, but allowed sufficient flexibility for agencies to respond according to local circumstances. It established a series of expectations for criminal justice agencies' performance with PPOs, which covered the entire spectrum of the offenders' involvement in the criminal justice system from arrest, through charge, court and post-sentence supervision. These expectations could not be met solely by the isolated activities of a small specialist team as the processes were integral to all agencies, hence the importance of the role of LCJBs in overseeing their implementation.
- 2.9 The National Premium Service placed emphasis on the following aspects of work with offenders:
- ▶ **faster processing** – dealing with offenders quickly in order to control their offending behaviour and promote their rehabilitation
  - ▶ **prioritisation of resources** – to provide preferential access to programmes or the deployment of specialist staff in working with PPOs
  - ▶ **enhanced quality standards** – for example, increased frequency of contact or enhanced assurance decision-making processes
  - ▶ **increased multi-agency collaboration** – involving the active participation of Police, CPS, HM Courts Service (HMCS), National Offender Management Service (NOMS), YOTs and other partners outside the criminal justice system as appropriate.

### 3. THE STRUCTURE OF PPO SCHEMES

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#### Strategic leadership of the schemes

- 3.1 Although the responsibility for shaping individual schemes and service delivery in connection with PPOs rests locally, the expectations of performance are set nationally. Whilst relatively small, individual schemes are accountable to the National Criminal Justice Board (through their LCJBs) and the Home Office (through the relevant Government Office or Welsh Assembly). The Ministry of Justice also exerts influence over their performance through the involvement of the Director of Offender Management in some instances. In addition, the schemes are responsible for the achievement of various national performance targets of the constituent partners.
- 3.2 The detail of how each of the schemes we visited was held to account varied according to their individual structure. The structure of some schemes, such as Cumbria which was coterminous with the criminal justice area, assisted the LCJB in holding the scheme to account. However, his structure was, however, unlike any other we saw during the course of the inspection.
- 3.3 Most schemes had some form of steering group, operating at a level commensurate with the scope of the scheme. We found that where schemes were comparatively small, operated without administrative support or lacked clear leadership, the provision of extensive information for monitoring performance effectively could be problematic.
- 3.4 In nearly all the inspected areas, the LCJB had adopted a relatively light touch in relation to overseeing individual schemes, which was, we felt, appropriate. However, greater attention could and, in our opinion should, have been given to the performance of the respective criminal justice agencies in supporting the schemes.
- 3.5 In addition to the national and area-wide performance issues, there were lines of accountability to the local CDRP. The work of the PPO schemes was given further impetus in April 2007 when it was determined that all local authorities in England should have a mandatory indicator on reducing reoffending in their Local Area Agreement (LAA). Although the requirement to include a mandatory indicator on reoffending in the LAA was removed in 2008, local authorities had still to select 35 indicators from a list of 198 (now 188), which included Assessment of Police and Community Safety/National Indicator 30 (APACS/NI30) on reoffending by PPOs; just over half the local authorities subsequently incorporated it in their selection.
- 3.6 Most scheme coordinators were aware of this target and felt that it drove the performance of the schemes, rather than the plethora of other performance indicators. Although there had been some issues over agreeing baseline figures, the rate of reoffending of the cohort was generally accepted as a reasonable and straight forward way to measure performance. Some coordinators felt, however,

that the fact that the offending of a de-selected PPO would continue to count against the performance of the scheme acted as a significant disincentive to de-selection.

- 3.7 As a crime reduction initiative, the principal indicator of the success of schemes was the extent to which they played a part in reducing crime in the community they operated, and in particular, reduced the amount of crime committed by identified PPOs. From the point of view of the schemes, APACS/NI30 had the advantage of simplicity, requiring only a list of the agreed cohort with the remainder of the necessary information being drawn from existing data on the Police National Computer (PNC). As such, we thought it was the most appropriate target.

### **The structure of the schemes**

- 3.8 Each of the six PPO schemes included in the inspection were organised differently, mainly in response to particular local circumstances. Four covered a single CDRP/CSP: one scheme covered several CDRPs, but not the whole criminal justice area; another was co-terminus with the criminal justice area, covering each of the local CDRPs. All these organisational structures offered the potential to deliver an effective service.
- 3.9 The simplest structure, as found in Plymouth, was a PPO scheme covering a single CDRP with a single probation office, YOT and police Basic Command Unit (BCU). This organisational structure minimised the duplication of functions and allowed for the development of good relationships between relevant staff, but would not be sustainable where the local CDRPs were too small to justify a specialist team, or where other services were not organised along CDRP lines. Where the police BCU and the scheme were not co-terminus, functions such as checking custody records would be undertaken at several locations, increasing the likelihood of error.
- 3.10 Norwich PPO scheme covered several CDRPs, but was not co-terminus with other bodies, making communication more complex and thus more difficult. Strategic managers in Norwich had looked for opportunities to deliver services over larger areas and had now commissioned a report to explore the possibility of organisational change.
- 3.11 Cumbria had set a structure for the whole criminal justice area. Although this had created a geographically large scheme, services were delivered on three sites and links to local services had been maintained. This model had the advantage of a clear senior management structure together with direct links to the relevant chief officers in the local criminal justice organisations and the LCJB.

### **Role of the scheme coordinator**

- 3.12 The role of the coordinator was crucial to the success of the schemes. Three of the six inspected had a clearly identified full time coordinator. Another was in the process of making a part-time coordinator full time and one was reviewing its

structure to ensure greater consistency of service across the whole criminal justice area. Only one of the schemes we visited did not have a clearly agreed coordinator; this scheme lacked a common sense of purpose and, although the individual agencies were working with the identified offenders, their efforts needed to be better coordinated.

- 3.13 The professional background of the coordinator did not appear to be as significant to the success of the schemes as their personal commitment and drive. We saw examples of successful coordinators from both police and probation and found that their leadership skills and vision were the key factors in promoting the scheme, not their seconding agency. Often coordinators were skilled at negotiating and represented their schemes at a level far beyond their grade or rank. The likelihood of their success in promoting the scheme was considerably enhanced, however, where it was actively championed by senior figures within the partnerships.

### Location

- 3.14 It was clear that communication and understanding within schemes was greatly enhanced by co-location. Working side-by-side on a daily basis, staff came to appreciate the priorities and requirements of other partner agencies and were able to respond quickly and appropriately to new circumstances as they arose.
- 3.15 The schemes we visited during the inspection were based in a variety of different locations, including with drug service providers and in probation offices and police stations. All had achieved some degree of co-location, as recommended by the Home Office<sup>5</sup>, with staff from different organisations working well together. Several schemes had attained a high level of integration with a single base for all the key members of the scheme or, as for example in Cumbria, satellite offices for all of the partners.

### Staffing

- 3.16 The levels and variety of staff found in the different schemes inspected varied considerably. All had police and probation officers as core members of the scheme; several also employed dedicated administrative or intelligence staff. Drugs or housing workers were included in the team in some places. In addition, some schemes also had other staff, with various titles, to work with PPOs, often funded by the local authorities as a way of meeting their target on reoffending. Where schemes did not employ these additional staff, there was sometimes a reluctance to work in a constructive manner (as opposed to a restrictive) with cases that were not subject to statutory supervision, such as those serving sentences of less than 12 months imprisonment.

#### Practice example

Plymouth PPO scheme was based in the office of the local Drug and Alcohol Action Team and included probation officers, police officers, police intelligence staff and administrative support workers. It also had easy access to housing

and drug support workers.

- 3.17 In all schemes, the operational staff we interviewed were responsible for a relatively small number of offenders compared to average probation caseloads. This was appropriate, given the intensity of work undertaken with PPOs. An in-depth understanding of the offender by all members of the team increased the likelihood of an effective intervention, whether it was aimed at a constructive or restrictive intervention. Staff had detailed knowledge of each of the PPOs on the scheme and were able to offer enhanced services, the objectives of which varied according to the circumstances of the offender. In some cases, they could be as simple as motivating the offender by praising a relatively small achievement through to detailed knowledge of their likely whereabouts when in breach of a licence.
- 3.18 We felt that more could be done to attract a succession of appropriately qualified applicants to work in the schemes. Most of the schemes we visited were experiencing, or had recently experienced staffing difficulties. All the schemes were relatively small, and as such, they struggled to cope with what in organisational terms might be described as minor staffing problems. Where one of the two probation or police officers left, the remaining officer, not surprisingly had difficulty in maintaining the required level of service for any significant length of time. Senior managers reported that the schemes often attracted the most able members of staff in their organisations who were, at the same time, the most likely to move onto other assignments to develop their careers. In these circumstances, successful contingency planning was essential, although not always evident.

### Chapter summary

- ▶ The level of oversight by the LCJBs was, in our view, generally appropriate to the size and performance of the individual schemes. However, greater attention needed to be given to the performance of the respective criminal justice agencies in supporting the schemes.
- ▶ With the advent of APACS/NI30 on reoffending in England, PPO schemes were becoming increasingly important within the local authority structure and some local authorities had responded by funding additional posts to work in the schemes. Most scheme coordinators were aware of APACS/NI30 target and felt that it drove performance.
- ▶ The structure of the scheme was not a significant factor in terms of its success. All the schemes we visited were organised differently in response to particular local circumstances and all had the potential to deliver an effective service.

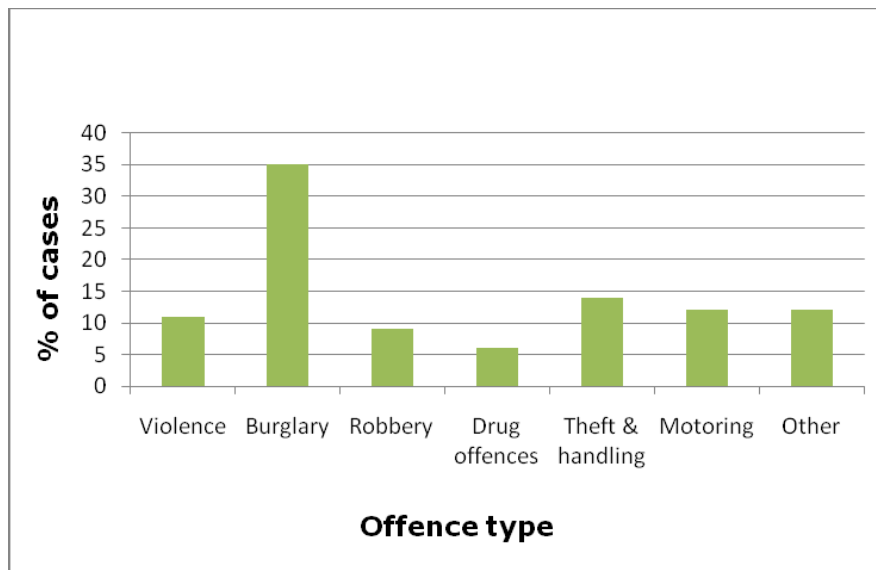
- ▶▶ The personal leadership, commitment and drive of the coordinator were crucial to the success of the scheme, as was the support of senior figures within the partner organisations.
- ▶▶ All schemes had achieved some degree of co-location, as recommended by the Home Office, with staff from some different organisations working well together. Communication and understanding was greatly enhanced within schemes with high levels of co-location.
- ▶▶ All schemes visited were experiencing, or had recently experienced staffing difficulties, particularly in relation to core team members. Contingency planning was therefore essential, to the success of local schemes and greater attention needed to be paid to future staffing arrangements in teams.

## 4. PROFILE OF PPOs INCLUDED IN INSPECTION

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- 4.1 During the course of the inspection we examined a total of 190 probation and YOT PPO case files and 61 prison PPO case files. We then compared our findings with the results of an impact assessment of the PPO programme, conducted by the Home Office in 2007<sup>6</sup>. This assessment found a 24% reduction in the average rate of reoffending for the 12 months following entry onto the programme.
- 4.2 Of the 101 cases in the community sample sentenced to imprisonment of more than 12 months, only 36 were still in custody in the period leading up to the fieldwork. Of the PPOs from the custody sample, over one third was on remand at the time of the inspection.
- 4.3 As shown in Table 1, the offences most frequently committed by the PPOs in our sample, prior to their adoption onto the scheme, reflected the priorities in the Police Performance Assessments. The profile of these offenders also matched that identified by the Home Office in an early study<sup>5</sup>, which showed that PPOs were more criminally versatile than the general offending population and more likely to commit acquisitive offences.

Table 1: Prior offences committed by the inspected sample of PPOs.  
Source: Inspection case file sample



### **Characteristics of cases included in the inspection case sample**

- ▶ The most common offence type for a PPO in the sample was burglary at 35%, theft and handling accounted for 14%, motoring for 13% and violence against the person 11%.
- ▶ Over 90% of the cases we inspected were adults.



- ▶ 45% had an OGRS 3 score of between 61 and 80 and 55% had a score of over 80 indicating that, as measured by static indicators, the cohort was highly likely to continue to offend.
- ▶ Over 90% of the cases were assessed as presenting a medium or low Risk of Harm to the public.
- ▶ 29% had received a community sentence.
- ▶ Of the cases in custody, 60% were serving sentences in excess of 12 months, 34% were on remand and the remainder of 6% were serving sentences of less than 12 months.

### **Practice example**

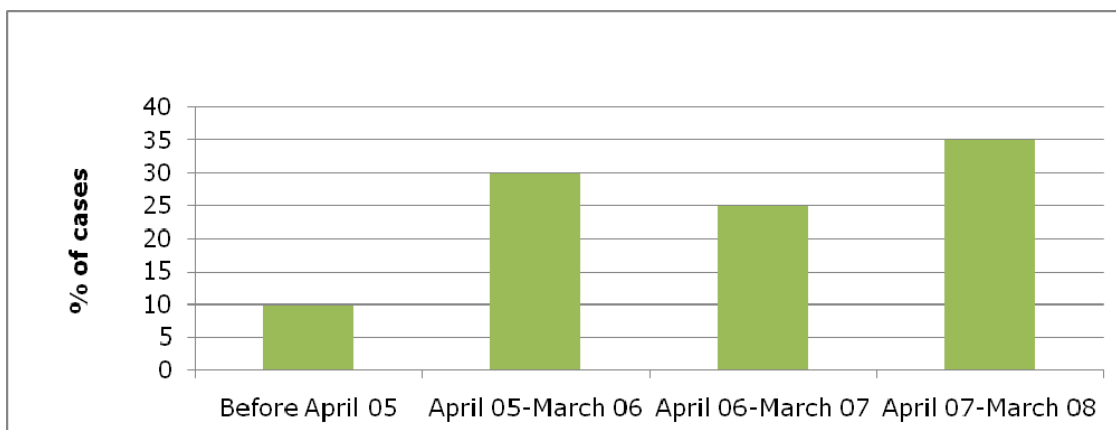
G was arrested in April for shoplifting and was fined £100. He was further charged in June and released on court bail to reside at a hostel. He subsequently breached his bail by leaving the property but was immediately arrested and released on bail again to reside in a different hostel in another area.

In July he appeared at the Crown Court, pleaded not guilty and the case was adjourned for trial in October on conditional bail. He was arrested in August and charged with a robbery and remanded in custody until October.

In mid-October he pleaded guilty to burglary and the case was adjourned for a pre-sentence report (PSR) that resulted in a custodial sentenced. There were other charges relating to offences committed whilst on bail, including failure to surrender to bail, which was still outstanding at the time of the inspection.

- 4.4 The dispersal of PPO prisoners across the prison estate complicated communication between the prisons and PPO schemes. The scheme in Swansea had PPO prisoners in only two prisons whereas Sandwell had prisoners spread across 11 different institutions. HM Prison (HMP) Exeter reported that at any one time they could have PPOs from as many as 20 separate schemes.
- 4.5 We found that a high proportion of cases identified by the schemes had been PPOs for a significant time. Table 2 below, illustrates the percentage of cases that had been PPOs for various periods.

Table 2: Date when cases were identified as being a PPO (April 2008 cohort).  
Source: Inspection case file sample



### Commentary

- ▶ 10% of PPOs had been identified for more than three years.
- ▶ A further 30% had been identified as PPOs for between two and three years.
- ▶ 35% had been identified in the year preceding the identification of the cohort.

4.6 Although cases may have been identified as PPOs for significant periods of time, this did not necessarily mean that they were still subject to the interventions that had been agreed at the point of identification or, indeed, presented the same likelihood of reoffending. Whilst the PPOs in our sample were selected because they were considered highly likely to reoffend, examination of their offending patterns in the 12 months to April 2008 (from figures supplied by the Home Office, as shown in Table 3) revealed that about a third had not been criminally active during that period. It was not possible to be certain from our inspection whether this was the result of the work done by the PPO schemes or other factors such as incarceration. However, according to the impact assessment undertaken by the Home Office, short custodial sentences had only a minimal effect on the rate of offending and were unlikely to be the reason, on their own, for the overall decrease in PPO convictions.

Table 3: Frequency of convictions of PPOs in the previous 12 months in five of the schemes visited. (Data not available for Swansea.)  
Source: Home Office



### Commentary

- ▶ Of the probation and YOT cases examined during the inspection programme who were subject to supervision, 47% completed their community order/licence without further reoffending.
- ▶ These findings accord with the Home Office impact assessment, which showed a decrease in the average individual rate of conviction of PPOs following entry onto the scheme from once a month to once every three months.

4.7 Such a decrease in the rate of offending was a significant achievement, particularly when set against the context of most PPOs' lives. We found that the antecedents of the majority of the PPOs' offences were extremely complex; most showed entrenched patterns of offending linked to a range of social problems such as drug and alcohol misuse, homelessness, lack of education and employment, often compounded by poor problem-solving skills. Many were serving multiple, overlapping sentences and were consequently subject, over a period of years, to a succession of community orders, supervision under licence, remands in custody and sentences of imprisonment.

### Chapter summary

- ▶ The offending profile of PPOs suggested that they were more criminally versatile than the general offending population and more likely to commit acquisitive offences. The most common offence for PPOs in our sample was burglary.
- ▶ Most of the PPOs had entrenched patterns of offending linked to social exclusion and had been subject over a period of years to a succession of interventions.

- ▶ A high proportion of PPOs had been on the schemes for some considerable time; two thirds of the cases examined had been registered as PPOs for more than two years.
- ▶ Their offending rate appeared to drop significantly after they had been registered on the scheme; a third had not been criminally active during the previous 12 month period monitored by the Home Office and just under half of those subject to community supervision had completed their order/licence without reoffending.

## 5. THE IDENTIFICATION OF PPOs

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### Referrals and assessment

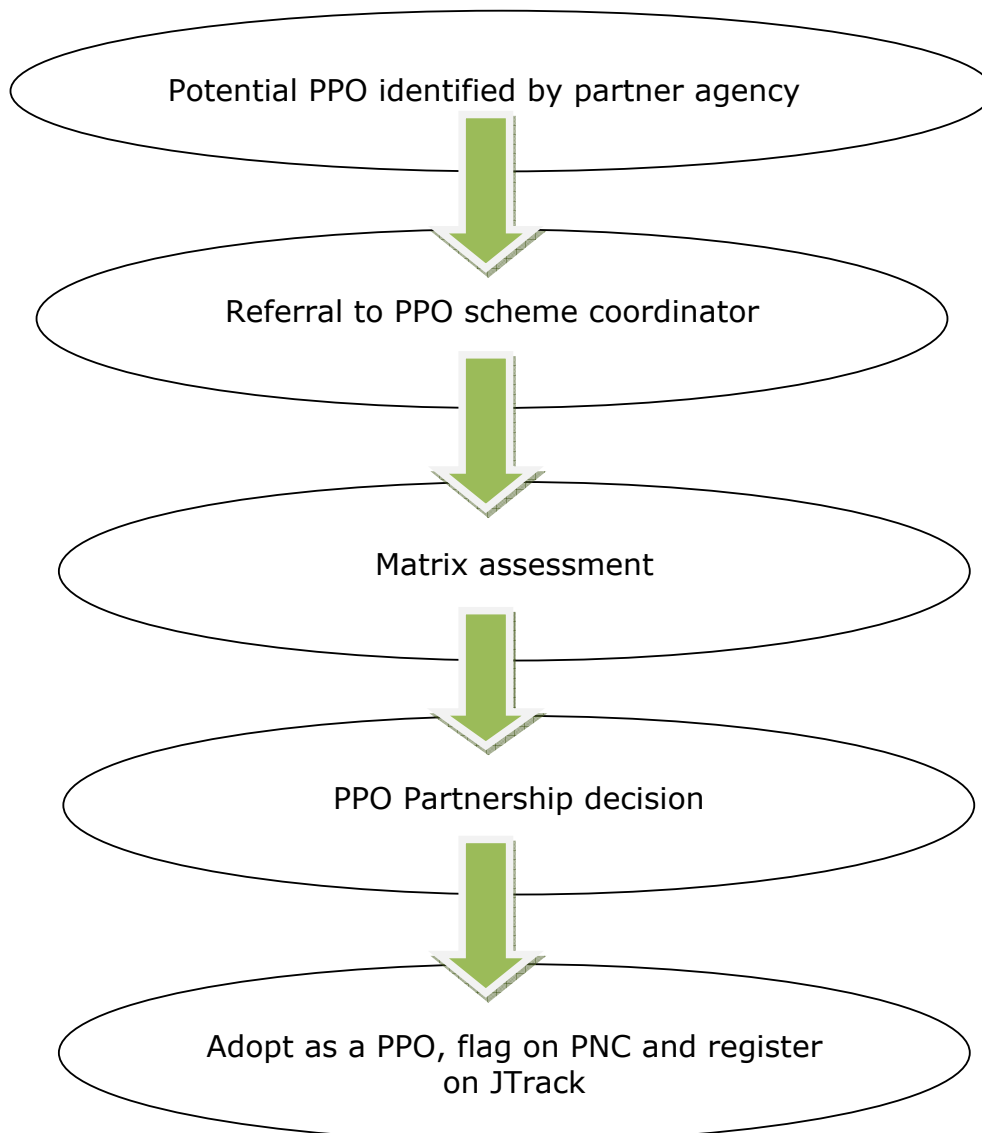
- 5.1 The National Premium Service<sup>4</sup> stated that the process for identifying PPOs should be based on the police National Intelligence Model, but also take account of information from other sources such as from probation and YOTs. We found that referrals to the scheme could be made by any of the partners, but that the majority had come from the police and tended initially to focus on the *Catch and Convict* strand.
- 5.2 As revealed in the Home Office evaluation of PPO schemes<sup>5</sup>, the majority of staff regarded the selection template provided in the original guidance only as a starting point and most schemes had agreed a local matrix approach for assessing potential PPOs. Appropriately, several schemes used a slightly different matrix to assess cases from the YOT to reflect their shorter offending histories.
- 5.3 All the schemes we inspected researched any potential PPO, considering various static and dynamic risk factors. Static factors included the number and type of offences committed. Examples of dynamic factors were recent drug use patterns and willingness to engage with treatment. These factors were then entered onto the matrix which weighted them differentially, taking account of how recent the offences were and whether they were prioritised by the local policing plan or any other locally agreed relevant factors; this approach was essential for a proportionate response. Police intelligence was also considered in accordance with the requirements of the National Premium Service. Historically, all schemes positively weighted convictions for burglary, robbery and vehicle crime, reflecting the priorities defined by the Police Performance Assessments.
- 5.4 Ultimately a score was produced that enabled staff to decide if the threshold for PPO status had been met. In all the schemes we visited, decisions about adoption onto the scheme were made by some form of joint agency group.
- 5.5 The matrix had fallen into disuse in one scheme, with no clear agreed process to identify new PPOs. This was clearly unacceptable.
- 5.6 In all cases, decisions about the adoption of individuals onto the scheme were recorded on the minutes of the PPO team meeting. Most schemes did not keep a copy of the matrix or the rationale for the offender's inclusion on the scheme in their case file. This information could have been potentially useful to assess progress or if a case was to be transferred between offender managers for any reason.
- 5.7 In most areas, the main involvement of the YOT with children and young people identified as PPOs was around the *Prevent and Deter* strand, with most YOTs giving high priority to work aimed at preventing children and young people's involvement in further criminal activity. Generally the National Premium Service was seen as being predicated on work with adult offenders and had not been

introduced in work with children and young people; consequently the YOTs' contribution to work in the *Catch and Convict* and *Rehabilitate and Resettle* strands was not clearly articulated. Indeed, YOT staff often thought that they offered an enhanced service to all YOT cases in terms of the intensity of interventions compared to those offered to adults. In some cases this was indeed true, with YOTs delivering interventions to PPOs with very high levels of contact. These intense interventions were usually as a result of the children and young person meeting the criteria for the local Intensive Supervision and Surveillance Programme, rather than their PPO status. However, opportunities to share information and police intelligence about children and young people's behaviour were sometimes missed and this, in turn, could lead to delays in identifying any increase in offending.

- 5.8 These issues had already been recognised at a strategic level and, at the time of the inspection, work had been taken to address them by the Youth Justice Board (YJB) with Office for Criminal Justice Reform (OCJR), the Home Office and Ministry of Justice, resulting in the publication of the *Management Framework: Deter Young Offender Scheme*<sup>7</sup> in April 2009. This work will be strengthened further by the introduction of a tiered approach to work with children and young people who offend (known as the *Scaled Approach*), in which the intensity of intervention, whether by way of the new Youth Rehabilitation Order or through a referral order, will be determined by the assessed likelihood of reoffending and Risk of Harm.

### **Acceptance of referrals onto the scheme**

- 5.9 Although the exact processes varied, the adoption of a PPO onto the scheme usually followed a similar pattern:



- 5.10 The number of PPOs identified by each of the schemes we inspected ranged from 32 to 82. This largely mirrored the relative populations of the CDRPs. Some of the schemes were quite flexible about the number of cases accepted at any one time, whereas others operated a more rigid 'one on, one off' approach. Although agreements about their ability to deal with a certain number of cases tended to have been lost over time, PPO coordinators felt that the number of cases on the scheme reflected its capacity, and by and large, we concurred with this view.

### **Review and de-selection of cases**

- 5.11 All the schemes had processes for reviewing cases, although none did so systematically, using the matrix to justify the ongoing PPO status. A reduction in matrix score could be used, as an indicator of reduced offending in individual

cases, but rarely was. As found in the Home Office research, there was considerable confusion about the processes for de-selection in many of the schemes we visited, with few operating a standard approach. These issues were compounded by the performance management arrangements that meant that any offending by former PPOs would continue to count against the scheme's performance for a period of two years. This was a significant disincentive to operating any form of de-selection process, without which the scheme was in danger of 'silting up'.

- 5.12 Some schemes operated a 'shadow' list, which meant that they de-registered PPOs receiving a custodial sentence and re-adopted them close to the release date. Although this may have been a pragmatic response to managing the workload of the team, it was not in the spirit of the PPO programme and removed the potential for joint work during the custodial part of the sentence. Very few cases in the inspection sample had received custodial sentences of over four years, when de-registration would be a legitimate response, although a sizeable number had spent significant periods in prison on remand.

### Chapter summary

- ▶ Most schemes had agreed a local matrix for assessing potential PPOs, weighting convictions for burglary, robbery and vehicle crime to reflect the priorities defined by the Police Performance Assessments. Decisions about who should be accepted onto the scheme were then made by a joint agency group.
- ▶ Some schemes had adapted the matrix for cases referred by the YOT to reflect children and young people's shorter offending histories.
- ▶ The National Premium Service had not been introduced into work with children and young people and most YOTs did not distinguish between the *Catch and Convict* and *Rehabilitate and Resettle* strands of the PPO strategy. Whilst the majority offered an intensive level of supervision to young PPOs through their involvement on the Intensive Supervision and Surveillance Programme, opportunities to share information and police intelligence about them could sometimes be missed.
- ▶ These issues had been recognised at a strategic level and were being addressed through the implementation of the *Management Framework: Deter Young Offender Scheme*, published in April 2009.
- ▶ The number of cases managed by each scheme varied considerably, but generally reflected its capacity
- ▶ None of the schemes we visited systematically reviewed cases, using the matrix to justify their continuing PPO status. It was therefore difficult for them to assess individual progress and monitor outcomes. There was considerable confusion about the processes for de-selection, with some schemes de-registering PPOs who received a custodial sentence; this approach was clearly unacceptable.



## 6. TARGETING OF PPOs

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### Investigating offences by PPOs

- 6.1 The National Premium Service<sup>4</sup> requires all alleged offences by PPOs to be investigated by an experienced officer with a professional investigation and interview (PIP) qualification in order to ensure that all lines of enquiry are explored to increase the prospects of a successful prosecution.
- 6.2 We found that in most areas, investigation into the more serious offences (such as burglary and vehicle crime) had been devolved to specialist teams and that the investigation of any of these types of offences involving a PPO was, as a matter of course, undertaken by a PIP trained officer. In areas that had not followed this model, PIP trained officers might be consulted, but they would not necessarily be the investigating officer.
- 6.3 If a PPO was alleged to have committed an offence thought by the police to be to be 'less serious', such as shoplifting, the investigation was usually handled by the arresting officer regardless of their level of experience. Although this approach was not consistent with the National Premium Service, it avoided the unnecessary bureaucracy involved in transferring the case and enabled the police to prioritise their resources appropriately. We therefore considered it a reasonable course of action and would suggest that the National Premium Service be modified accordingly.
- 6.4 The National Premium Service states that: 'there should be a presumption against use of police bail for PPOs'. Although mindful of their duties under both the Bail Act (1976) and the Police and Criminal Evidence Act (1984), all the custody officers we interviewed had sympathy with this view and generally sought to refuse bail; police officers from PPO teams in several schemes also routinely attended court to object to bail.
- 6.5 The National Premium Service did not place any expectation on CPS lawyers with regard to bail issues.

### Neighbourhood Policing Teams

- 6.6 All the areas inspected had implemented a Neighbourhood Policing Model as a way of giving greater attention to the issues identified by the local community as a priority. Under the model, individual districts were covered by a Neighbourhood Policing Team (also known as Local Policing Teams or Safer Neighbourhood Teams). Such teams typically consisted of a sergeant, several constables and police community support officers.
- 6.7 In all the areas we inspected, the Neighbourhood Policing Teams were aware of the status of the local PPOs and made use of the intelligence that was regularly available through the scheme. Most operational police officers believed that the

PPO teams had targeted the right offenders and could not generally identify any other individuals who, they believed, should have been on the scheme. However, many officers in the Neighbourhood Policing Teams reported that the PPOs identified by the schemes were not necessarily *their* priority cases, which were in the main antisocial behaviour and public order, and not burglary and vehicle crime. Although some of the officers in Neighbourhood Policing Teams felt that they should also subject PPOs to enhanced contact, the majority focused on their own targets. Most Neighbourhood Policing Teams therefore sought out only those offenders who fell directly within their remit rather than those subject to the PPO scheme.

- 6.8 The lack of attention given to PPOs by many Neighbourhood Policing Teams, although a clear consequence of the development of new priorities, was nevertheless disappointing and, to us, represented a missed opportunity. In our view, the links between the PPO schemes and the Neighbourhood Policing Teams needed to be strengthened by better coordination and improved communication.
- 6.9 In many areas, operational officers did not appear to differentiate between the different strands of the scheme. This led to a belief amongst many police officers that all PPOs not in custody were solely subject to the *Catch and Convict* strand. As a consequence, PPOs who were constructively and successfully engaged with the scheme continued to receive additional police attention that may not have been warranted and in some instances could have been counter-productive. It also used police resources that could be more effectively re-directed to more suitable candidates.

### Chapter summary

- ▶ The investigation of more serious offences had been devolved to specialist teams in most areas so that any such case involving a PPO was allocated, as a matter of course, to a PIP trained officer; less serious cases were, however, investigated by the arresting officer. Although this approach did not meet the requirements of the National Premium Service, it was proportionate to the level of crime and allowed the police to prioritise resources appropriately.
- ▶ Custody officers generally sought to refuse police bail for PPOs, in accordance with the National Premium Service.
- ▶ The links between the PPO schemes and Neighbourhood Policing Teams could be improved by better communication. Although Neighbourhood Policing Teams were aware of the status of PPOs in their locality, they did not subject them to enhanced contact, focusing instead on offenders who fell directly within their remit.

## 7. PREPARING CASES AND CHARGING

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### PPOs are identified on reception into police custody

- 7.1 The National Premium Service<sup>4</sup> requires arresting or custody officers to check for PPO status on the PNC or custody system records and mark the case accordingly.
- 7.2 We found that in nearly all cases, police custody reception processes ensured that the PPO status of offenders was known. In most areas, systems were in place to prompt reception staff to check for the presence of the PPO flag on the PNC. In addition, some schemes checked the custody database on a daily basis to ascertain the status of all detained persons.
- 7.3 Having checked the PPO status of offenders, police in all the areas we visited were aware of the requirement to mark files clearly. Whilst we found from our inspection of police files that this happened in the majority of cases, a sizable minority nevertheless went unmarked.

### Developing a joint prosecution strategy

- 7.4 The National Premium Service requires that in every PPO case, the investigating officer and the CPS lawyer should discuss the objectives to be achieved in the case and agree a prosecution strategy with clearly recorded actions. It also places responsibility on the police to inform the duty prosecutor that the person they are dealing with is a PPO. It was clear from our inspection, however, that police did not always identify the status of the PPO to the duty prosecutor and, although most duty prosecutors had an up-to-date list of PPOs, it was not used to double check the information supplied by the police.
- 7.5 Most of the prosecutors we interviewed said that they had taken their decisions on the basis of the criteria provided in the *Code for Crown Prosecutors*<sup>\*</sup>. The fact that an individual was identified at the pre-charge stage as a PPO did not, of itself, introduce any new factors. We agreed with that view; previous convictions and misconduct would only be only relevant to the evidential test if they related to matters capable of being admitted as evidence of bad character. The existence of previous convictions would always be material as regards the public interest test.
- 7.6 The effect was that even when a PPO was identified at the pre-charge stage, prosecutors treated it no differently to any other case with similar characteristics.
- 7.7 A small minority of the duty prosecutors we saw stated that additional attention was paid to PPO cases at the pre-charge stage including prioritisation over other

<sup>\*</sup> The Code for Crown Prosecutors provides general principles that apply to the way in which crown prosecutors must approach each case. Guidance is provided within the code regarding the evidential test. The threshold test requires less evidence before making a decision to charge, provided that such evidence is likely to be obtained. The public interest test requires crown prosecutors to consider, even though there may be sufficient evidence to charge, whether it is in the public interest to do so

cases in the waiting list, tighter time scales for action plans and expedited forensic evidence. Although such measures may have taken place in a limited number of cases, we found no evidence of them in our case file inspection.

### **Decisions in relation to PPOs**

- 7.8 Areas differed widely, in the systems they adopted when deciding whether to take 'no further action', discontinue or reduce charges. Some areas would refer to the CPS Unit Head in such cases, others would not. Whatever the method adopted, PPO cases were not treated differently from any other similar non-PPO case.

### **Marking PPO files and case documents**

- 7.9 The National Premium Service requires PPO files and case documents to be marked before proceeding into the court process. Specifically, this means that the PPO status should be flagged on:

- ▶ the front cover of the case files, at least with regards to police and CPS
- ▶ the front information sheet (MG1) that contains basic information about the defendant and is completed by the police
- ▶ the summary sheet (MG3) that is prepared initially by the police and details the circumstances and evidence appertaining to that individual case. It is subsequently added to by the duty prosecutor who details the reasons for making a charging decision
- ▶ the charge sheet (MG4) which is completed by the police and is the primary means by which court staff identify PPO cases; as a consequence CPS lawyers should check that this form is completed when taking charging decisions or reviewing cases.

In addition, all PPO cases are to be marked as such on the CPS computerised Case Management System (CMS).

- 7.10 It is clear from the case file sample that not all cases involving PPOs were being identified by the police and clearly marked on the relevant paperwork. Even where cases were identified as being PPO at the pre-charge stage, they were not appropriately marked on the CMS or front cover.
- 7.11 Table 4 shows the number of each of the documents available within the files and the percentage that were marked in accordance with the protocol.

Table 4: Case file and documents marked in accordance with the protocol.  
Source: Inspection case file sample

	<b>Number available for inspection</b> (N= 68)	<b>Percentage of available files appropriately marked</b>
Front cover	67	28%
MG1	57	75%
MG3	53	64%
MG4	65	30%
CMS	67	26%

- 7.12 The inconsistency of identifying PPOs on the CMS and the lack of compliance with marking the PPO status on the MG4 form meant that, firstly, court staff could not have been aware of the status of many defendants and secondly, any analysis of PPO cases within the system was fundamentally flawed.
- 7.13 In addition, many CPS lawyers did not know how to locate the PPO marker on the CMS.

#### **Good practice example**

Norwich had introduced a weekly compliance check, cross referencing all new cases with the current PPO list. This identified all cases not appropriately flagged and enabled errors to be rectified.

### **Duty prosecutors have an up-to-date PPO list**

- 7.14 In all but one area, duty prosecutors had access to the current list of PPOs. The list was either displayed, along with the photograph of the PPO, in the duty prosecutor's office or accessible on a shared computer system. The police updated the list of PPOs and disseminated it to the CPS.
- 7.15 Whilst most duty prosecutors believed it was worthwhile having the list, it served no practical purpose as it was not routinely checked to establish if cases not otherwise identified as a PPO were on it. The process also could not be applied to cases handled by CPS Direct (the out-of-hours telephone service); this service was not area-based so the prosecutor did not have access to the current list of PPOs and was wholly dependent on the information supplied directly by the police.

### **Chapter summary**

- ▶ Although the status of offenders was known once an individual had been received into police custody, the police did not always identify the offender as a PPO to the duty prosecutor.
- ▶ The lack of information about the PPO status of offenders did not, however, appear to have compromised the quality of CPS decision making. Duty

prosecutors considered that all the factors associated with the PPOs were capable of being addressed within the criteria contained in the *Code for Crown Prosecutors*. Implementation of the *Delivering Simple, Speedy, Summary Justice Initiative* (CJSSS) meant that only a minority of prosecutors gave specific attention to expediting PPO cases.

- ▶ Even where cases were being correctly identified as PPOs at the pre-charge stage, their status was not always recorded on the CMS or the front cover of the file or the charge sheet (MG4). As a result, court staff were not aware of the status of PPOs so that any attempt to analyse PPO cases within the system would be fundamentally flawed.

## 8. COURT PROCESSES

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### **CPS and police responsibilities**

- 8.1 The National Premium Service<sup>4</sup> lists a number of actions to be taken by the police or CPS after pre-charge advice has been given, including the requirement that cases are brought before the court expeditiously and subject to enhanced case review and post-case review.

### **Cases are allocated to lawyers with the appropriate skills and experience**

- 8.2 Not all crimes committed by PPOs are complex or of a serious nature and most of the CPS managers we spoke to during the inspection believed that all of their prosecutors had appropriate skills and experience to deal with these crimes. PPO cases were allocated to lawyers on an ad hoc basis, with associate prosecutors<sup>†</sup> dealing with guilty pleas in PPO cases at the magistrates' court.

### **Enhanced case review and expedited listing.**

- 8.3 The National Premium Service requires that cases identified as PPOs should receive enhanced case review and expedited listing in court. There is however no specific timeliness target for the progress of PPOs from arrest to sentence.
- 8.4 Since the advent of the National Premium Service for PPOs, the CJSSS has been implemented. The objective of this initiative is to improve the speed and effectiveness of the magistrates' courts. This requires a joined up approach by the police, the CPS and courts. At the time of this inspection, CJSSS was firmly embedded into the work of all agencies.
- 8.5 Practitioners recognise that the implementation of CJSSS had resulted in a general speeding up of processes in all cases. Most cases, irrespective of whether they are PPO cases or not, are now listed more swiftly and receive better case progression than previously.
- 8.6 We were not been able to measure the overall improvement with any precision. Our case file sample was modest but typical. It seems unlikely that any additional arrangements specific to PPO cases would have a significant impact and it is now timely for officials to review the National Premium Service requirement to ensure that it remains relevant.

<sup>†</sup> Associate Prosecutors are not lawyers, but have had legal training to present certain cases in magistrates' courts.

Table 5: Timeliness of case progression.  
Source: Inspection case file sample

	<b>Number of cases</b>	<b>Average number of days from first court appearance to sentence</b>
Guilty pleas in the magistrates' court	38	15 days
Trials in the magistrates' court	7	68 days
Committed to the Crown Court for sentence	13	34 days
Trials at Crown Court	5	162 days
Number of cases discontinued	3	n/a
Cases still pending	4	n/a

### **The review of PPO cases**

- 8.7 The National Premium Service requires CPS unit heads to review PPO cases and evaluate outcomes with police at Prosecution Team Performance Management (PTPM) meetings. There was no evidence from our inspection that this occurred.
- 8.8 Although most CPS unit heads attended PTPM meetings, there was little separate discussion about PPOs in any of the areas we inspected. Some produced attrition rates for PPOs performance, but most did not. At the time of the inspection, CPS staff were aware of various weaknesses in respect of the police not identifying PPOs correctly and marking the charge sheet (MG4) correctly. Whilst some of these issues had been highlighted with the police either through the PTPM or other meeting mechanisms, it was clear that other important matters concerning PPOs were not raised at the joint meetings.
- 8.9 CPS unit heads examined the reasons for all cracked and ineffective trials at a local level, but this process applied to all cases and no specific consideration was given to PPOs. Consequently, no data regarding PPO adverse outcomes was generated. Whilst CPS headquarters produced a report on the attrition rates of PPO cases, the data was taken from those PPOs flagged on CMS, which as we found from the case file inspection, was significantly flawed.

### **Identifying PPO cases through the court process**

- 8.10 The National Premium Service requires courts to ensure that processes are in place to enable staff to identify PPO cases, although they must not reveal the status of the defendant as a PPO to sentencers.
- 8.11 The courts visited during the inspection had adopted a wide range of practices with regard to the identification of PPOs, but these were often not used as frequently as they should have been as the incoming paperwork was not consistently marked. One area had decided that it was no longer necessary to mark the PPO status on files as the police would actively inform any party that needed to be aware of the PPO status of an offender. Another court had such poor



systems for archiving files that only half the cases required for the inspection could be located. Some courts used marked file covers, whereby if a case was identified as a PPO, the papers were inserted in an outer file which indicated its status. This process could not be audited as the papers were removed from the cover at the point of sentence and then discarded.

- 8.12 Electronic and paper forms used by courts were often not updated to reflect the changing terminology used by the criminal justice system. The *Libra* system which had been recently introduced continued to offer the option of PO (Persistent Offender) although this scheme had not been in operation for four years. Despite the clarification issued by HMCS when the PPO programme was introduced, some staff still thought the terms PPO and PO were interchangeable and others were not sure.
- 8.13 Despite the absence of a focus on PPOs, it was clear from the inspection that cases were generally dealt with promptly, as part of the CJSSS initiative. Where this was not the case, it was because of general issues, such as the lack of court capacity, rather than for reasons relating specifically to PPOs.
- 8.14 Although it was a requirement of the National Premium Service, none of the courts we inspected had an effective system for marking committal warrants or other documentation leaving the courts. This, as we were to find, had implications for the prisons and was a significant contributory factor in their failure to identify the status of many PPOs on reception into custody.
- 8.15 Courts staff had received little or no training about the PPO schemes.

### Chapter summary

- ▶ The net effect of CJSSS had been a general speeding up of processes in all cases. Most cases, irrespective of whether they were PPO cases or not, received enhanced case progression and expedited listing.
- ▶ The courts inspected had adopted a wide range of practices with regard to the identification of PPOs, but these were often not used as frequently as they should have been, as the incoming paperwork was not consistently marked.
- ▶ The lack of accurate data, at either a local or central level, and of any meaningful discussion of PPO problems within the system made it difficult for the courts or CPS to focus on improving performance or highlighting successes.
- ▶ The failure to mark the PPO status of offenders on committal warrants contributed to the difficulties experienced by the prisons in identifying them on reception.

## 9. JTRACK

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### Description of JTrack

- 9.1 JTrack is a web-based tracking system that was developed over a number of years to track certain groups of offenders through the criminal justice system. It had its origins in the Street Crime Initiative and was further developed to monitor the Persistent Offender scheme. It now only covers cases within the PPO programme.
- 9.2 Currently, only the police and CPS have the ability to access, view and update entries on JTrack. Although all of the data held on JTrack is potentially available through other systems, there is currently no automatic or electronic means of transferring data from these systems. As a consequence, all data on JTrack is effectively 'double-entered'.
- 9.3 Once an individual is identified as a PPO, their name should be entered on JTrack as a 'nominal' by the police. We found that this had been achieved in nearly all cases. Once entered as a 'nominal', each criminal justice event relating to the individual (arrest, summons, bail decision, charge, remand date, decision to take no further action, court appearance, fail to appear and sentence) should be recorded. This information has to be entered initially by the police within seven days of the event to meet the requirements of the National Premium Service<sup>4</sup>. The CPS are then required to record case results including adjournments, other charges laid and sentences onto JTrack within seven days of the court appearance.
- 9.4 In most circumstances, the responsibility within the police for entering the information lay with the police member of the PPO scheme, although sometimes it was done centrally.
- 9.5 Several of the schemes we inspected found the processes in connection with JTrack confusing and as a consequence failed to use it as intended. Very little use was made of JTrack actually to trace PPOs as the schemes were pro-active in keeping track of them and knew about their whereabouts. Most considered the system unreliable and a number reported significant problems with the roll out of training.

### Findings/operations

- 9.6 Much of the JTrack information seen during the inspection was incomplete. Sometimes the police did not enter each new arrest of a PPO at the charging stage, and where this information was entered, the CPS sometimes failed to update JTrack throughout the progress of the case. Table 6 below shows that only one third of cases inspected were put on JTrack by the police and of these only half were updated by the CPS. In total, of the 67 cases examined, only 16% were actively tracked through JTrack.

Table 6 Cases entered on JTrack.  
Source: Inspection case file sample

<b>Number of cases examined entered as a 'nominal'</b>	<b>Number of cases updated by police</b>	<b>Number of cases updated by CPS</b>
67	22	11

- 9.7 In all but one of the areas we visited, the CPS had identified staff who had been trained to update JTrack. None of these individuals, when interviewed, appeared to understand the purpose of JTrack or were able to describe its benefits. In most areas, it was given a low priority and in two areas was not updated at all.
- 9.8 The combination of the low level of compliance, the need to enter all data on two separate systems and the general lack of any tangible benefits had brought the rationale for JTrack into disrepute with the CPS staff we interviewed. One CPS local office area had attempted to quantify the scale of this problem, and concluded there were significant levels of under-recording.

### **Performance monitoring in CPS**

- 9.9 The CPS had a target of finalising 80% of all PPO cases within seven days. CPS data taken in August 2008 indicated that it was achieving 64% compliance with this target. However, this data could not be relied on as accurate, particularly where areas were entering very little data, but doing so in a timely fashion. One area we visited had eight live PPO cases, but only one PPO case had been entered on JTrack by the police. By updating this one PPO case, the area achieved 100% compliance, but were actually missing seven out of their eight cases. There were no central systems to detect or account for PPO cases that had not been entered onto the system.
- 9.10 The National Premium Service requires CPS headquarters to disseminate a monthly report to CPS areas regarding PPOs that compares offences charged by police on JTrack with the number of PPO cases registered by the CPS on the CMS. The monthly report should also monitor CPS compliance with the JTrack seven day data recording standard and the attrition rate of PPOs (calculated by using the PPO marker on CMS and tracking) to see if the case was successful or not. Recently, responsibility for JTrack had been handed to the National Police Improvement Agency and the CPS could no longer access the performance functionality so as to produce these reports. This is a further example of the need for changes in the Criminal Justice Service to take account of consequential implications.
- 9.11 Because of the significant difficulties in compliance identified above, the information produced by this process was likely to be significantly flawed and any report produced would therefore be of limited value. The management of JTrack has now been taken over by the National Policing Implementation Agency and the CPS are no longer able to access the necessary information to produce the report. However, although the CPS report had been disseminated monthly by CPS headquarters, only two of the areas inspected were aware of its existence.

- 9.12 The police did not systematically use information from JTrack as much of the data was available through the PNC. No information was disseminated centrally by the police about its use.

### Chapter summary

- ▶▶ JTrack is a web-based tracking system for PPOs, available to the police and CPS. All the data on JTrack is also held on other systems, but has to be 'double-entered' as there is no means for automatic transfer.
- ▶▶ In most of the areas visited, updating JTrack was given low priority and even those members of staff who had been specifically trained to use it, did not appear to understand its purpose or able to describe its benefits.
- ▶▶ Neither the PPO schemes nor the police regularly used information from JTrack. The schemes regarded it as unreliable and the police could more easily access it through the PNC.
- ▶▶ Most of the information recorded on JTrack seen during the inspection was incomplete; only a third of the cases examined were entered into the system by the police and of those, only half were updated by the CPS. In total, less than a sixth of the cases seen had been tracked actively. The information available on the system could therefore not be regarded as anything other than flawed.

## 10. INTERVENTIONS

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### Interventions in the community

- 10.1 The National Premium Service<sup>4</sup> requires that:
- ▶ an offender manager be appointed for all PPOs
  - ▶ an OASys, together with a full Risk of Harm assessment and management plan, where appropriate, is completed within five working days of the start of the order or release into the community
  - ▶ a sentence plan is completed within five working days of sentence for both community orders and custodial cases
  - ▶ offender managers share information/intelligence about PPOs with the police and consult them about licence conditions.

### Identification of PPOs in the community

- 10.2 The PPO status of offenders was marked on the records of all the schemes we inspected in nearly all cases. However, probation and YOT records often did not clearly distinguish how and when an offender had been informed of their PPO status; this was particularly true in cases where the offender had been identified several years earlier. Nevertheless, nearly all offenders (both in the community and custody), when interviewed, indicated that they were aware of their status and what it meant. Most had been informed by a probation officer or police officer, or often both, sometimes in writing.

#### Practice example

Camden PPO scheme had produced a fold-up pocket-sized appointment card and information booklet. This explained in simple terms the purpose of the scheme, what was expected of those on it, gave contact numbers and allowed appointments for several weeks to be recorded.

- 10.3 Two thirds of offenders interviewed in the community thought the scheme had helped them to access services and make positive changes in their behaviour

### PSRs

- 10.4 We found that there was no relevant PSR on file in nearly 18% of cases. Although the National Premium Service suggests that offender managers should make representations to the court to request a standard delivery PSR, identified PPOs were often sentenced without the benefit of any kind of report. Several schemes endeavoured to make responses to supervision reports available on the day of the court appearance, as courts were often reluctant to adjourn cases, particularly for relatively minor offences.

- 10.5 Where PSRs were produced, 60% argued for a community order whilst the remainder acknowledged that a custodial sentence was inevitable. 72% of the PSRs proposing a community order suggested an intensive intervention to address the individual's pattern of offending.
- 10.6 The vast majority of the PSRs examined did not refer to the offender's status as a PPO, in accordance with the guidance issued by the then Senior Presiding Judge in 2005. However, a number of reports written by non-specialist staff in one area did so. This was not acceptable. The relevant members of staff should have received guidance or training on the issue and the errors corrected by quality assurance processes.

### **Offender management**

- 10.7 The term 'offender management' is usually used to describe the underlying end-to-end case management process to be used by all providers of correctional services when working with offenders serving a custodial or community sentence.
- 10.8 We found, however, that the terms 'offender manager' and 'offender management' had various uses and different meanings. Probation staff tended to use them in a technical sense, reflecting the NOMS Offender Management Model<sup>8</sup>. Under Phase II of the Model, specific requirements were placed on probation areas in respect of PPO cases defined as 'in scope', i.e. either on release from a sentence of more than 12 months imprisonment (and consequently subject to post-release statutory supervision) or subject to a community penalty. These requirements included the allocation of an offender manager, but did not apply to 'out of scope' PPOs serving short sentences of less than 12 months. In accordance with the requirements of the National Premium Service, which pre-dated the implementation of Phase II of the Offender Management Model, many prisons allocated prison-based offender supervisors to all PPOs, even those that were 'out of scope'. Not surprisingly in these circumstances, prison staff were unclear about what level of input they could expect from the schemes for 'out of scope' PPOs, given that they had no community-based offender manager.
- 10.9 The police generally had a much broader concept of 'offender management' as reflected in the phrase 'Integrated Offender Management' which allowed them to use any available resources to *manage* the offender's likelihood of offending successfully in the community.
- 10.10 The inspection findings reinforced the need for the National Premium Service to be revised so that PPOs could be located in the developing model of offender management. Although it stated that an offender manager should be appointed to all PPOs, it did not address the position of PPOs 'out of scope' of the NOMS Offender Management Model. With many offenders remaining as PPOs for up to three years or more and, as we have seen, being subject to a variety of disposals during that time, this group covered, at different points in time, most of the PPOs on the schemes. This issue caused continuing confusion, particularly in relation to PPOs serving custodial sentences of less than 12 months, even though it was

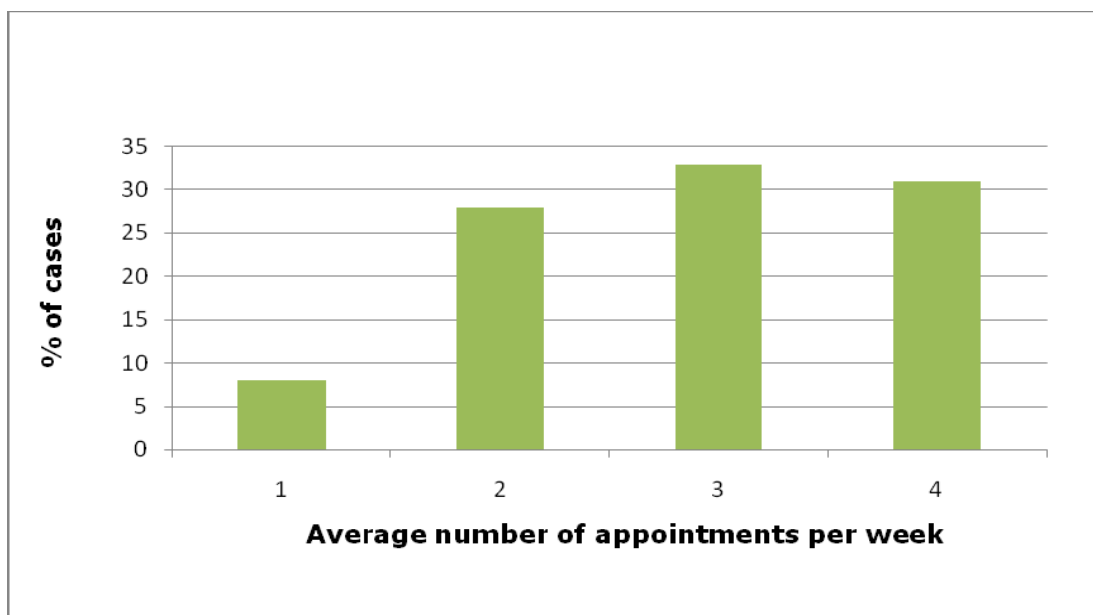
universally agreed that the appointment of an offender manager was desirable in these cases.

- 10.11 The National Premium Service was thus predicated on a model of offender management that probation areas were neither resourced nor expected to provide. There was currently no clear vision as to how the National Premium Service would be delivered in these cases. Several of the schemes visited had responded by investing additional resources from the local authority in staff with a remit to work with PPOs, whether they were 'out of scope' NOMS cases or not, or using police officers to maintain contact with them. Others, however, were unable to appoint a NOMS offender manager or an equivalent worker unless a statutory intervention was in force.

### **Interventions in the community**

- 10.12 Overall, the work undertaken with PPOs in the community was generally satisfactory, with 78% of the cases we inspected assessed as sufficiently well managed, or better. Given that the underlying intent of the National Premium Service was to ensure that PPOs received intensive levels of intervention in order to deflect them from offending, this finding reflected well on the work undertaken.
- 10.13 We were, however, concerned at the quality of the assessments undertaken on PPOs seen during the course of the inspection. Although 90% were completed within five working days as required, their quality was often poor, with very little or no work being done to update previous assessments in a minority of cases. This was disappointing. Whilst the National Premium Service placed emphasis on the *timely* completion of an OASys assessment as the key performance indicator for the probation service, the quality of the initial assessment of individual needs was central to effective intervention.
- 10.14 The level of contact maintained with PPOs whilst supervised by the probation service was, however, satisfactory. Within the PPO sample, 115 cases had been subject to statutory supervision in the community during the relevant period. The Table 7 below, shows the frequency of statutory appointments offered per week in the first 16 weeks of supervision.

Table 7: Average number of statutory appointments offered.  
Source: Inspection case file sample



### Commentary

- ▶ Nearly two thirds of the cases in the sample had an average of three to four appointments per week arranged for them.
- ▶ In the small number of cases where there was only one statutory appointment per week, work was sometimes enhanced by other non-statutory contacts.
- ▶ Very few cases were actually only seen once a week.

10.15 As shown in section three, in common with others at risk of social exclusion, PPOs experienced a range of different problems. The most prevalent factor associated with offending was drug misuse, with 80% of the sample experiencing difficulties in this area. Where this problem was identified and addressed, there was evidence of improvement in 59% of cases. PPO schemes had usually forged good working links with local drug service providers, often including such workers as an integral part of the team. In several instances schemes were located within the premises of the drug service provider.

10.16 Other common problems included employment, training and education, accommodation and thinking skills. These problems were usually addressed by a combination of partnership working and access to specialist resources.

10.17 We found that, in reality, the strand of the programme to which PPOs were assigned had little significance in the majority of cases, with PPOs being subject to both the *Catch and Convict* and *Rehabilitate and Resettle* approaches either simultaneously or alternately. However, the effectiveness of the PPO schemes depended to a large extent on their ability to maintain the balance between the two approaches; the one restrictive targeting those at risk of reoffending, and the



other constructive tackling the underlying factors in offending. As demonstrated in Table 8 showing our analysis of the interventions undertaken, this work met with some considerable success.

Table 8 Work to address factors in offending.  
Source: Inspection case file sample

<b>Problem</b>	<b>Prevalence</b>	<b>% of prevalent cases where work undertaken</b>	<b>% of cases where work undertaken led to improvement</b>
Accommodation	37%	76%	51%
Education, training & employment	62%	58%	36%
Lifestyle and associates	26%	41%	58%
Drug misuse	80%	81%	59%
Alcohol misuse	18%	68%	33%
Thinking and behaviour	42%	62%	53%

### **Commentary**

- ▶ In light of the deep-rooted nature of these problems, it was unsurprising that PPOs could retain their PPO status for significant periods. It would be unrealistic in these circumstances to expect any single intervention to be effective in the short term.

#### **Practice example:**

In Plymouth the PPO scheme had excellent working relationships with a local housing service. By offering support to the tenant (a PPO) and assurances to the landlord that there would be regular police visits to the accommodation and drug testing it was possible to secure accommodation in the private sector that would otherwise not have been available. As tenancies ended, other service users assisted in the redecoration of the accommodation as part of their own constructive programmes.

### **Enforcement**

- 10.18 Given their antecedents and the number of appointments they were required to attend, it was not surprising that most PPOs occasionally missed scheduled appointments. We found that where this did occur, offender managers made prompt and appropriate decisions about enforcement and breach.
- 10.19 Approximately half of PPOs completed their order or licence without further offending. Although this figure might appear discouraging, it was in fact, when seen in the context of the PPOs' previous behaviour and frequency of offending, a considerable achievement. It must also be noted that where PPOs were subject to increased police attention, the likelihood of arrest and swift reconviction was enhanced.

- 10.20 In most cases, PPO scheme staff pursued enforcement assiduously, ensuring that early court dates were made available, or in the case of licences, that recalls were swift. 80% of breaches or recalls were concluded within ten days. This was an excellent result.

### Interventions in custody

- 10.21 Work with PPOs in custody was mainly undertaken by NOMS staff either working within the probation area or prison. The obligations on probation staff principally related to 'in scope' PPOs serving 12 months or longer in custody.
- 10.22 The key expectations for work with PPOs by prison staff in custody were set out in a Prison Service Order<sup>9</sup> issued in November 2004, pre-dating the National Premium Service. The order, unhelpfully, did not distinguish between sentenced and unsentenced prisoners or length of sentence, nor did it outline what a Premium Service in custody should be, or how it might differ for different groups of prisoners.
- 10.23 The main expectations placed on prison staff were to:
- ▶ **flag and track PPOs** through their period in prison.
  - ▶ **prioritise PPOs** for interventions within prisons, including education, drug and offending behaviour programmes where appropriate, and provide support with resettlement
  - ▶ provide a **liaison point** for local agencies to follow the progress of PPOs, and in particular provide the police (and in licence cases the probation service) with 28 days notice of the release of PPOs and inform them if a PPO is recalled from licence. Prisons were also required to facilitate any in-reach work by local agencies to help with the resettlement of PPOs.
- 10.24 From November 2006, PPOs sentenced to 12 months or more in prison were brought 'in scope' for offender management. This meant that they would have an offender manager and if in custody, an offender supervisor. NOMS did not take advantage of the introduction of this new phase of the Offender Management Model to revise the Prison Service Order with the consequence that it continued to cause confusion.

### Identifying PPOs at reception

- 10.25 All the prisons we inspected accepted that, despite their best efforts, their methods for identifying PPOs were fallible. Although the PPO status was marked on the prisoner information system (known as LIDS), in 85% of cases in the sample, in several prisons, the status had clearly been marked after the initial contact by the joint inspection team. The figure of 85% was therefore likely to have overstated the actual percentage of PPOs marked on LIDS overall.
- 10.26 There was no evidence of committal to custody warrants being marked with the PPO status nor was there any single method of prisons ascertaining the PPO status of prisoners. In some prisons, where the population was principally from local

schemes, prison staff were able to liaise with individual PPO schemes, receive lists and recognise PPOs around the reception period. HMP Exeter had a dedicated member of staff who attempted to identify the PPO status of new prisoners.

- 10.27 Where a PPO was sentenced to 12 months or more in custody, the offender manager was expected to contact the prison to make arrangements for their supervision during the custodial phase of the sentence. This process usually happened, and enabled the prison to identify PPOs on the LIDS system. However, one of the schemes we inspected that undertook work with PPO prisoners failed to inform the prison that this was as a result of their PPO status so any opportunity of co-working the case was effectively lost.

### **Sentence planning in custody**

- 10.28 One of the principal requirements of the Prison Service Order was to prioritise prisoners for interventions to tackle their offending. We found some evidence that PPO prisoners had been prioritised in this way in approximately half of the prison files we inspected. This was most often associated with the provision of drug services through Counselling, Assessment, Reference, Advice and Throughcare Service (CARATS) and Integrated Drug Treatment Service (IDTS). However, these facilities were available to all prisoners requiring drug treatment and were not provided to PPO prisoners solely on account of their status. Nor was the work undertaken whilst in prison always adequately recorded on the probation files; we found evidence of PPO prisoners being prioritised for interventions whilst in custody in only 24% of probation cases.
- 10.29 Most prisoners themselves did not feel that they had received any prioritisation whilst in custody. This may well be an accurate reflection of the service they received. Prisoners who had been identified as a PPO whilst they were serving their sentence and had not, as yet, had any experience of the schemes in the community, had little understanding of their function. We found that whilst some prison staff working closely with PPOs were knowledgeable about the requirements of the Prison Service Order and National Premium Service, most staff were not. Some efforts had been made when the schemes had first been introduced to provide awareness training to personal officers and other relevant staff, but had not been continued.
- 10.30 There was general confusion, particularly if the PPO was unsentenced, about what a Premium Service should look like in a custodial environment, even where staff were aware of the PSO. Perhaps not surprisingly, many prison staff were confused about how PPOs could be prioritised over other priority groups such as IPPs (Imprisonment for Public Protection), lifers, child protection cases and cases presenting a high Risk of Harm. The introduction of the NOMS Offender Management Model had added to this uncertainty because those sentenced to less than 12 months were not 'in scope'. In many local prisons, the only action taken with 'out of scope' PPOs was simply to mark the case on LIDS. None of these issues were addressed by the PSO, which pre-dated the Offender Management Model.

- 10.31 The National Premium Service requires that all 'in scope' PPOs whether sentenced to a community intervention or term of imprisonment, should have a sentence plan completed within five days of sentence. This approach was very different to that adopted for non-PPO cases which allows a minimum of eight weeks for the completions of sentence plans for those in custody. The target set for the completion of sentence plans for PPO prisoners was regarded by senior NOMS staff as unrealistic and not an agreed priority; as a consequence it was frequently disregarded. This was regrettable; timely, effective sentence planning was essential if prisoners were to have any chance of accessing the services they needed whilst in custody. A more achievable and accepted target would have allowed that to happen.
- 10.32 Offender managers chaired sentence planning meetings with 'in scope' PPOs in approximately half the relevant cases. Similarly, in approximately half the cases seen, it was evident that PPOs had received additional levels of contact whilst they were serving the custodial part of their sentence. These findings related, in the main to the 'in scope' PPOs; there was no assessment of resettlement needs for most 'out of scope' PPOs and little was done by the prisons to address their offending needs, apart from the provision of drug services through CARATs, as noted above.
- 10.33 Despite the Prison Service Order indicating that PPOs should be transferred to different institutions to facilitate sentence planning, such moves were only made in very few cases. Similarly, although it was clearly desirable that PPOs should be held reasonably close to their home area to facilitate in-reach work by PPO schemes, this, too, rarely happened.

### **Planning for release**

- 10.34 Prisons were aware of their obligation to inform schemes of the release dates of PPOs and generally did so where they were aware of the PPO status. There were often problems identifying the correct scheme if there had been no contact between the scheme and the prison.
- 10.35 The level of communication between prisons and local PPO schemes varied greatly. In a small number of cases, communication was very well developed and included prison staff attending monthly PPO meetings, regular updates of prison intelligence to schemes and exchanges of information about offenders on schemes. Good communication, where it existed, however, was largely achieved by individuals working collaboratively, rather than as a consequence of the Prison Service Order or other requirement. In the majority of instances, particularly for 'out of scope' cases, liaison was poor and a number of the prison staff interviewed believed that the PPO schemes lost interest in the offender once they were in custody.

### **Practice example**

Young adults from Camden were held at HMP Portland. HMP Exeter held prisoners from Norwich. Prison managers pointed to the usual problems of allocating prisoners to relevant institutions when faced with overcrowding pressures. In most cases PPOs were not treated differently from other cases.

- 10.36 Overall the quality of work with PPOs in custody was assessed as insufficient in 77% of cases. The comparable figure for probation for cases assessed as insufficient was 20%. This is a reflection of the fact that most of the PPO cases in the community were identified by the schemes and subject to a range of interventions. Prisons were often unaware of the PPO status, unable to give effective priority or were unsure how to intervene as a result of PPO status with remand prisoners.

### **Post-release supervision**

- 10.37 Most PPOs released subject to a licence had additional requirements. These were usually appropriately worded, with a requirement to comply with the PPO scheme.
- 10.38 One scheme had a practice of asking for unusual bespoke requirements. Although some of these conditions had their origins in previous patterns of criminal behaviour, others seemed more general and were not consistent with the relevant Probation Circular<sup>10</sup> that required that all additional conditions be chosen from an approved list.
- 10.39 If an offender was released on licence following a conviction for certain acquisitive offences, they had to be drug tested as a condition of their licence. We found that this condition had been added to the licence in almost all the relevant cases examined. It was also being managed effectively in that the frequency of the testing was nearly always twice weekly, in accordance with the guidance, and offender managers followed up test results promptly.
- 10.40 Some schemes arranged to meet offenders at the prison gate on discharge. This practice was thought to have a number of benefits, perhaps illustrating the fact that the strand to which the offender was designated was not particularly significant. Ensuring an offender kept all the necessary appointments on the first day maximized the chances of a successful constructive intervention. In addition, the realisation that the scheme was aware of the offender's release and would be monitoring their behaviour and movements carefully acted as a controlling factor.

## Chapter summary

- ▶ We judged that the work undertaken with PPOs in the community mainly met the high standard we were looking for, and two thirds of the offenders interviewed we thought the scheme had been helpful to them in accessing services and making positive changes in their behaviour.
- ▶ In contrast, the quality of work with PPOs whilst in custody was considered satisfactory in only about a quarter of the cases seen and few PPO prisoners felt that their needs had been prioritised during their sentence.
- ▶ The National Premium Service did not address the position of PPOs who were not 'in scope' of the NOMS Offender Management Model. Several of the schemes we visited were unable to appoint a NOMS offender manager unless there was a statutory intervention in force. Often by using funding from the local authorities, other schemes had invested in staff with a remit to work with these cases regardless of their current status as 'in scope' NOMS cases.
- ▶ Although we were concerned about the quality of assessments undertaken on PPOs, PPO schemes seemed generally effective in addressing the underlying factors in their offending.
- ▶ The level of contact with PPOs in the community was usually high and most orders were enforced appropriately when this was needed.
- ▶ Prison staff had difficulty in identifying prisoners as PPOs unless, as generally happened with PPOs sentenced to more than 12 months, they were informed of their status by the offender manager in the community.
- ▶ Many prison staff were not aware of the requirements of the National Premium Service for PPO prisoners and consequently did not give them priority for programmes to address their offending apart from the provision of drugs services. Few 'in scope' PPOs had a sentence plan completed within the required timescale, and no assessment of needs was undertaken on 'out of scope' prisoners
- ▶ Communication between prisons and PPO schemes varied considerably. Half the cases seen received additional levels of contact whilst they were serving the custodial part of their sentence. These findings related in the main, however, to the 'in scope' PPOs and we found that contact with 'out of scope' PPOs was often poor.
- ▶ Many of the PPOs in custody were unsentenced. There was a lack of clarity about what was expected or reasonable to achieve with these cases as the PSO did not distinguish between convicted and unconvicted prisoners.

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