



**Sir Robert Neill MP**  
House of Commons  
London  
SW1A 0AA

20 March 2023

Dear Sir Bob,

### **CHANGES TO HOME DETENTION CURFEW (HDC)**

Thank you for your letter of 7 March about our plans for HDC and current capacity constraints in prisons. You asked a number of questions which I deal with in turn below.

#### Home Detention Curfew

#### **How the proposed changes will affect (a) the number of people who will be released on HDC and (b) the size of the prison population?**

The HDC population is determined by a combination of both how many offenders are released onto HDC and the length of time they spend on HDC. The Statutory Instrument we have laid seeks to extend the length of time people spend on HDC but it does not add to the cohort of offenders released – so would increase the HDC population, by 450 on its own. Alongside the legislation, we are reducing the cohort of offenders released by adding specified offences linked to domestic abuse – such as stalking, harassment and coercive control - to the list of offences that make someone presumed unsuitable for HDC. This changes will reduce releases and, on its own, would reduce the HDC population.

While fewer offenders will be released on HDC going forwards, after a temporary increase immediately on implementation, the net result is that the HDC Population grows because those who are released remain on HDC for longer – and the increase in the HDC population caused by the longer time-period on HDC is greater than the reduction in HDC population caused by the reduced number of individuals released on HDC. The net result of both changes is that the HDC population will grow by 300, meaning the prison population will shrink by 300.

#### **Whether the changes are part of a wider policy to reduce the pressure on the prison estate?**

We are protecting the public by excluding specified offenders and tightening the risk assessment, which will reduce the number of prisoners released on HDC. We are looking to make the best use of an existing scheme and the technology available to help improve reintegration and rehabilitation in the community. We have wanted to make this change since 2019 but the timing was not right as we were then focused on immediate measures to tackle serious sexual and violent offenders, including terrorists, and have since changed the law to ensure these offenders serve longer in prison. We again laid a similar SI in 2020 but withdrew it so we could concentrate on tackling the impact of Covid on prisons, staff and the NHS.

## **What steps the Ministry of Justice is taking to ensure that probation services are sufficiently prepared to support the initial spike in releases on HDC?**

We estimate that the impact of the HDC measures planned is to add a total of 300 lower risk offenders to the overall caseload of offenders under Probation supervision in the community in England and Wales which, at 30 September 2022, stood at 172,253. While this is a relatively modest addition, each offender will need to be managed and the Probation Service is currently exploring the best way to absorb the additional caseload and the additional assessments that will be required during the implementation phase. Following implementation, the number of releases and, therefore, assessments will fall.

Protecting the public will always be our primary concern, and to that end we have unified the Probation Service and greater focus on quality and outcomes has been placed at the centre of the unified Probation Service National Standards and performance framework. We have injected extra funding of more than £155 million a year to deliver more robust supervision, reduce caseloads and recruit thousands more staff to keep the public safer. We have recruited a record-breaking 2,500 trainee probation officers over the last two years, and we plan to recruit a further 1,500 by March 2023

## **Whether the Government remains committed to the original policy intention of the HDC scheme that most offenders eligible for the scheme should be released?**

Yes, we are. HDC is a targeted scheme, and it is right that we limit it to those who are suitable, but it allows the particular cohort of offenders who are eligible for scheme and suitable for release to benefit from a managed transition between prison and life in the community. We know that for certain offenders the experience of being monitored via an electronic tag in the community can help deal with the negative behaviours that lead to re-offending, allowing offenders to focus on getting into work and back on the straight and narrow.

### Prison Capacity

## **How additional prisoners have been accommodated in prisons that exceeded capacity?**

Prisons have not exceeded their operational capacity. Occasionally, for operational reasons, the reported prison population is slightly higher than the number of people physically housed in the prison (for example when prisoners are receiving overnight hospital treatment under escort in the community). At the end of January the published population for HMP Liverpool was 821 against an operational capacity of 820 (but with one authorised absence), and HMP Preston was 681 against an operational capacity of 680 (with two authorised absences). Neither therefore breached their operational capacity.

We regularly assess ways to manage demand on prisons and continue to take action where needed. We have implemented a suite of measures to reduce the demand pressures on the system, including increasing (within safe limits) the number of prisoners held in the existing estate, and bringing non-critical maintenance cells back online.

Normal operation of the estate involves a degree of cell-sharing, but we have increased this in response to capacity pressures. The maximum viable level has been determined through a robust 'capacity challenge' process, set and agreed through HMPPS governance, that identifies the maximum contingency spaces that can be delivered while maintaining levels of safety and decency. A Capacity Challenge Process was established in late 2021 to identify safe and sustainable opportunities to maximise use of the prison estate. Given that several of the factors involved are dynamic, the Capacity Challenge Process was then refreshed in December 2022 to provide an up-to-date position.

**Whether it is the case, as reported, that all non-essential maintenance of prison cells has been halted?**

We have paused all non-critical maintenance work but we are continuing to invest in critical maintenance, including our programme of essential fire safety improvements, to ensure that we can keep as much capacity as possible online without cells falling into disrepair. The safety and decency of our prisoners is paramount. We continually monitor prison conditions, and take places on and offline depending on safety, stability, staffing levels and maintenance needs.

**How many prisoners have been placed in police cells under Operation Safeguard to date?**

In total, we have used police cells on 531 occasions since Operation Safeguard was first used on 20th February 2023. Prisoners are held in operation safeguard cells for one night and prioritised for movement the next day (or Monday if they are held on a weekend). Therefore, nightly usage varies and on 15 March 2023, 15 cells were in use.

**Given delays in the prison building programme, what steps the Government is taking through Gold Command and other means to ensure demand on the prison estate does not outstrip available capacity while the outstanding new prisons are built?**

We are using every available contingency option within the limits of safety and security. We have taken action to provide immediate capacity in the existing prison estate, as set out above. Since the end of September 2022, we have provided an additional 1,400 adult male prison places and we are continuing to add places as part of our commitment to deliver 20,000 additional prison places.

I trust the above is helpful and would be happy to address further questions Committee members might have.



**Damian Hinds**  
**Minister for Prisons and Probation**