

The Intensive Supervision and Surveillance Programme

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The most important of the ‘third options’ to be implemented so far is the Intensive Supervision and Surveillance Programme (ISSP) which began in April 2001 with an investment of £45m over three years. According to *Justice for All*, ISSP is the most rigorous, non-custodial intervention available for young offenders. It initially targeted 2,500 of the most serious and prolific young offenders (aged 10 to 17) per year. They were thought to be responsible for a quarter of all youth crime. Young offenders on ISSP can be subject to intensive monitoring for up to 24 hours a day, seven days a week, if necessary (although usually for a far shorter period). Electronic tagging and voice verification (telephone checking of an offender’s ‘voice print’) can be used to monitor offenders, as well as intelligence-led policing and ‘tracking’ of their movements by case workers from the Youth Offending Team. The minimum requirement is for two surveillance checks per day.

They are also subject to a structured programme of activities for 25 hours a week for three months. Core elements include education and training, interventions to tackle offending behaviour and reparation to victims. It is available for convicted young offenders and to prevent persistent young offenders on bail from committing more crimes while awaiting trial. From April 2002 ISSP was available for the most serious and persistent offenders, defined as those who have been charged or convicted of an offence and have either been charged or warned for an imprisonable offence on four or more separate occasions within the past 12 months, or previously received at least one community or custodial penalty (the persistence criterion); were at risk of custody because the current charge or sentence related to an offence that could lead to an adult being sent down for 14 years or more (the serious-crime shortcut); or were at risk of custody because they had a history of repeat offending on bail, and were at risk of a secure remand (the repeat-offending-on-bail shortcut).

ISSP is not a sentence as such, but a condition attached to a sentence. Offenders could be serving a Detention and Training Order (served partly in custody and partly in the community) when the non-custodial element would be under the ISSP. Or, they could have been sentenced to Supervision Orders or Community Rehabilitation Orders (collectively called community ISSP).¹ Offenders should spend six months on ISSP. The most intensive supervision (25 hours per week) lasts for the first three months of the programme, after which the supervision continues at a reduced intensity (a minimum of five hours per week) for a further three months.

The Youth Justice Board (YJB) claims that ISSP is based on the best evidence of what will reduce the frequency and seriousness of offending. It promises to bring structure to offenders’ lifestyles, and to tackle the factors contributing to their offending behaviour, particularly lack of educational qualifications, weaknesses in thinking skills, or drug misuse. But what is the evidence suggesting that ISSP is likely to be successful? In January 2004 the National Audit Office concluded that it was too early to say, although its findings raised some doubts.² Early experience of ISSP in Swansea and

Newcastle found that 60 per cent of participants failed to complete the sentence and, in 10/16 cases examined, offenders had been subject to breach proceedings.³

In September 2004 the YJB published a summary of the initial report on ISSP, produced by a team at Oxford University. The headline of the press release could hardly be more misleading. It said, 'New report shows positive start for bold and imaginative scheme to reform the worst young offenders'.⁴ The text of the press release claims that reoffending was reduced:

'The report shows that there was a marked reduction in the frequency and seriousness of offending for young people on the programme. It found that in the 12 months before and after the start of ISSP the frequency of offending fell by 43 per cent and the seriousness dropped by 16 per cent.'⁵

Rod Morgan, Chairman of the YJB, claims that the report 'shows a promising start for this groundbreaking programme'. The offenders were being supervised in a way that 'inspires the confidence' of sentencers, as well as the police and public.

The summary of the initial report⁶ also reads in parts like a press release, instead of an independent appraisal. It highlights in large bold text taking up about a quarter of the page, the statement, 'When offending data in the 12 months before and after the start of ISSP are compared, there is a marked reduction both in the frequency and seriousness'. And, in a discussion of social costs, it highlights in large bold letters the statement 'it was found that, on the whole, ISSP paid handsome social dividends'.

In fact, as the full initial report shows, the two statements placed in huge bold letters are incorrect. Compared with offenders serving alternative sentences, such as Supervision Orders, Community Rehabilitation Orders and Detention and Training Orders, those on ISSP reoffended more frequently. If ISSP caused their behaviour, as the Youth Justice Board claims, then it made them worse.

Reoffending: The study looks at the impact on reoffending by making two comparisons: offenders before and after ISSP; and offenders on ISSP and those eligible but not on it. Offenders were followed for 12 months 'at liberty' from the start of ISSP, or the end of the custody element of their Detention and Training Order (DTO). Reconvictions were based on the Police National Computer (PNC).⁷

The full initial report states that the 'key objective' of the YJB was, 'To reduce the rate of reoffending in the target group of offenders by 5% and reduce the seriousness of any reoffending'. It declares that 'viewed simply, the objective above was met'.⁸ But, it turns out that 'viewed simply' means 'viewed wrongly'. The authors of the full initial report do not think that the 5% objective was a sufficiently exacting standard. Moreover, offending did not fall *because* of ISSP.

The success claimed by the YJB in its press release relies on a comparison between the reconviction rate of offenders in the 12 months before ISSP and the reconviction rate of the same offenders 12 months afterwards. However, in the full initial report, the authors made it clear that the reduction would have happened anyway and was not the result of ISSP. They said:

‘Given the aims of ISSP, it is not possible to avoid this problem of regression to the mean. The way we have dealt with it is by using a comparison group with similar characteristics. We expect both groups to reduce in offending frequency and seriousness. The impact of ISSP is measured by whether the ISSP group outperforms the comparison group.’⁹

The statistical term ‘regression to the mean’ is not as complicated as it might sound. It describes the well-established tendency for human behaviour to fluctuate over time. There may be an upward or downward trend over several years, but from one year to the next the results may go up or down. More specifically, individuals with high scores in one year will tend to have lower scores (nearer to the average) in the following year. This tendency is called regression to the mean (average). Candidates for ISSP were selected because they were the most frequent offenders in a given year. Any statistician would, therefore, expect that their offending behaviour in the following year would be less frequent. For this reason, no conclusions about the impact of a programme like ISSP can validly be drawn merely by observing that an expected fall had in fact occurred. Such a finding was a ‘sure thing’.

What were the results? Comparing the 12 months before ISSP with the 12 months after, those on community ISSP were reconvicted on 43% fewer occasions and those on DTO ISSP, 45% fewer. However, members of the comparison group for community ISSP were convicted on 46% fewer occasions and the DTO comparison on 62% fewer.¹⁰ The report calls this performing ‘just as well or even slightly better’, although a difference of 16 percentage points would not normally be considered a ‘slight’ change.

These results show that the ‘before and after’ change for offenders on ISSP cannot be considered to be the result of the programme. Yet, in its press release the YJB chose to claim that ISSP reduced the frequency of offending by 43%.

What about the overall rate of offending after the start of ISSP? The only valid measure of the impact of ISSP is the comparison between the programme group and the control group. The findings were as follows:

Table 15.1

Percentage of Offenders Reconvicted 12 Months After the Start of ISSP

	Reconvictions
Community ISSP	84%
Community comparison	72%
DTO ISSP	91%
DTO comparison	82%

The results unequivocally show that reoffending was lower for offenders serving Supervision Orders or Community Rehabilitation Orders without ISSP and for those serving Detention and Training Orders without ISSP.¹¹ The only valid conclusion is that ISSP is less effective than other (less costly) alternatives.

ISSP was also less effective than custody, despite the fact that the custody figures (produced annually in *Prison Statistics*) are for two years ‘at liberty’. The overall reconviction rate within two years for all 14-17 year-old offenders who had been sentenced to custody was 80% in 2002, and 79% for 17 year-olds.¹² However, instead of concentrating its energy on finding better ways of protecting the public, the YJB has focused on trying to mislead us. It published a press release on 14 September along with a misleading online summary, over a month before the full report was available. This had the effect of preventing journalists and other experts from being able to check the false claims in the press release.

The full initial report also reveals that over half of offenders (53 per cent) did not even complete the six-month programme. Of those sentenced to supervision orders, 58 per cent did not complete. Worse still, 35 per cent of offenders who ‘completed’ the course had breached their orders at least once. In some localities they were given several warnings, when in more rigorous localities they would have been breached and removed from the programme.

It is also relevant that tagging, in which the Home Office places so much confidence, was associated with a lower completion rate. Only 42% of offenders who were tagged completed ISSP, compared with 56% of those with personal ‘trackers’ who were in direct contact with offenders.¹³

Cost-Benefit Analysis: Given the findings in the previous chapter of the Oxford study, the cost-benefit analysis in Chapter 15 was academically indefensible. The authors admit that their results could be invalidated by regression to the mean:

‘Ideally, the crime savings from lower reconviction rates should be calculated on the basis of some well-defined comparison group where the only difference between the two groups would be ISSP

participation, so that the savings can be said to rise [sic] specifically from ISSP participation.¹⁴ Finding a comparison group, says the report, is ‘not easy’ and, as a result, the researchers found it difficult to ‘ascertain whether any differences of reconviction rates between treatment and comparison group can be put down to ISSP alone’.¹⁵ The report then ignores its own stipulations and carries out the analysis anyway.

The report compares both the frequency and gravity of offending. The average frequency of offending was 8.74 offences during the 12 months before ISSP and 5.07 in the 12 months after the start of ISSP. The gravity score was 5.10 before and 4.45 after.¹⁶

On page 342 the report says ‘At first glance, it appears that ISSP paid handsome dividends to society’. But, it then goes on to explain why the results do not tell us whether ISSP works because of regression to the mean. Yet, only three pages later, the conclusion (p. 345) says: ‘It was found that, on the whole, ISSP paid handsome social dividends’. The average saving came to £40,000 per start, an average total saving of ‘almost £4 million per scheme’. It then admits that the benefits are ‘likely to be over-estimated’ because no comparison with a control group was made.¹⁷

These passages are double-talk. It is not enough to say that there was an ‘over-estimate’. The result was the exact opposite of the reported finding. If the authors had used the correct (though incomplete) figures on pages 304-05 of their own report, the results would have been reversed. There was no saving at all. In fact, there was a cost – in ordinary language, a waste of money.

Calculations based on the difference between the reoffending rates of the programme group and the control group are not made by the authors, and it is not possible to make them without the breakdown of offences for each offender. (The report does not give these figures.) However, we can take an educated guess using the incomplete figures given in their earlier chapter.

Table 15.2

Frequency and Gravity of Offending 12 Months After the Start of ISSP

	Frequency	Gravity
All ISSP	5.07	4.45
Community comparison	3.7	4.0
DTO comparison	3.9	4.6

Even if we take the worst case of the DTO comparison group with a lower frequency (3.9 compared with 5.07) but a slightly higher gravity (4.6 compared with 4.5), the result would have been a net loss. If we take the average of the community and DTO figures, both the frequency and

gravity scores are lower.¹⁸ It can, therefore, be validly inferred that the alternative schemes, Supervision Orders and Community Rehabilitation Orders plus DTOs without ISSP produced savings compared with ISSP.

It is revealing to compare ISSP with the cost of custody. The total cost of ISSP for 36 of the schemes was £1,097,064. The cost per completion was £31,865.¹⁹ These figures for the six-month-long ISSP can be compared with the full 12-month cost of a male closed Young Offender Institution (YOI) of £29,721 per prisoner, or a male open YOI of £18,866.²⁰

Having calculated the social benefit inaccurately the report goes on to repeat the process for the cost-benefit analysis. The average cost per start is put at about £12,000 and compared with the average saving (of about £40,000) based on the false attribution of falling frequency and gravity of offending entirely to ISSP.²¹

This section of the study fell well below the professional standards expected of a researcher, and draws attention to an underlying difficulty. How can the independence of external researchers heavily reliant on Home Office funding be guaranteed so that they are able to report results without fear or favour? The great majority of crime research in this country is funded by the government. University academics who fall out of favour risk losing their jobs. There is a hint of the pressure they face in the conclusion to the chapter on reoffending, where the authors make a revealing remark: ‘Even though a number of methods have been used, it has proved difficult to establish that ISSP has a beneficial impact on offending’.²² This sounds rather like an apology to their clients in government. It’s almost as if they are saying: ‘Sorry, we looked for the result you wanted but we’re afraid it was impossible.’

To sum up: the Oxford University study found that ISSP failed to reduce offending during the 12 months following the start of the scheme. In fact, if the behaviour of offenders on the scheme is taken to have been entirely the result of ISSP (as the YJB assumes), then the scheme made offenders worse than they would have been.

Notes

- 1 A Detention and Training Order involves a period in custody and a period in the community, theoretically continuing the education and training begun in the Young Offender Institution. When in the community, an offender can be required to take part in the ISSP.
- 2 NAO, *Youth Offending: the delivery of community and custodial sentences*. London: TSO, January 2004, p. 5.
- 3 NAO, *Youth Offending*, 2004, p. 31.
- 4 YJB press release, 14 September 2004.
- 5 YJB press release, 14 September 2004.
- 6 Moore, R *et al.*, *ISSP: the Initial Report, Summary*, London: YJB, September 2004.

- 7 The researchers were only able to match 85% of the sample. The study did not count offenders jailed during the follow-up, which led to the exclusion of about 30% of the sample. As the report admits, 'This is likely to have made the remaining sample unrepresentative by removing some of the most troublesome offenders'. Moore, R. et al., *ISSP: the Initial Report* (Full version) London: YJB, 2004, p. 298.
- 8 Full initial report, p. 28.
- 9 Full initial report, p. 299.
- 10 Full initial report, pp. 304-05.
- 11 Full initial report, p. 301.
- 12 *Prison Statistics 2002*.
- 13 Full initial report, p. 276.
- 14 Full initial report, p. 342.
- 15 Full initial report, p. 342.
- 16 They differ slightly from the earlier figures on pages 304 and 307, presumably because the cost-benefit analysis covers 36 schemes and the main report covers 41.
- 17 Full initial report, p. 345.
- 18 Full initial report, pp. 305, 308.
- 19 Full initial report, p. 334.
- 20 Prison Service Annual Report and Accounts 2002-03.
- 21 Full initial report, pp. 344-45.
- 22 Full initial report, p. 321.