

# DRUG & ALCOHOL FINDINGS *Research abstract*

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## ▶ [Alcohol abstinence monitoring requirement: A process review of the proof of concept pilot.](#)

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**Mayor of London Office for Policing and Crime, 2016**



*London pilot of enforced sobriety offers useful insights to inform expansion of the Alcohol Abstinence Monitoring Requirement scheme.*

**SUMMARY** The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced a new provision, the Alcohol Abstinence Monitoring Requirement, giving courts in England and Wales the power to order offenders to abstain from alcohol for a fixed time period of time (up to 120 days). There are a number of conditions, including that the offender is not dependent on alcohol, that consumption of alcohol is an element of the offence or contributed to the commission of the offence for which the order is to be imposed, and that monitoring by electronic means (eg, [sobriety tag](#)) or by other means of testing are in place.

This paper reports on the findings of a 12-month pilot testing the feasibility of the Alcohol Abstinence Monitoring Requirement in four London boroughs (Croydon, Lambeth, Southwark and Sutton) from July 2014. The Alcohol Abstinence Monitoring Requirement has now been rolled out across London with a further evaluation being conducted by the Mayor of London Office for Policing and Crime Evidence and Insight Team.

The pilot aimed to test how widely courts used the Alcohol Abstinence Monitoring Requirement, the number of participants who complied with the requirement, and the effectiveness of the tags in monitoring alcohol abstinence. Information was gathered through surveys with stakeholders and offenders, interviews with stakeholders, and analysis of performance monitoring data.

Offenders were eligible for the Alcohol Abstinence Monitoring Requirement if they committed an offence for which alcohol was a contributing factor, and if they drank alcohol below non-dependent levels (scoring less than 20 on the [Alcohol Use Disorder Identification Test](#)). Following a recommendation from the Mayor of London Office for Policing and Crime, offences linked to domestic abuse were excluded due to concerns over unintended consequences, such as abstinence creating additional risks for victims, or the scheme diverting attention away from specific interventions designed to tackle the offending behaviour. Offenders participating in the Alcohol Abstinence Monitoring Requirement received brief advice aimed at encouraging them to reduce their drinking. They were also signposted to support services if required by their Responsible Officer within the National Probation Service or community rehabilitation company.



**A 'sobriety tag' used to detect alcohol consumption during periods of court-ordered abstinence**

The sobriety tag used to detect alcohol consumption was designed to take around 48 readings per individual per day, and in practice took approximately 45 per day, indicating that the technology underpinning the Alcohol Abstinence Monitoring Requirement was working as intended.

A two-month 'snapshot' review of community-based orders imposed within the South London Local Justice Area found that 23 out of 35 eligible cases went on to receive an Alcohol Abstinence Monitoring Requirement, indicating that opportunities to use the Alcohol Abstinence Monitoring Requirement may have been missed in around a third of cases. However, the reasons for not using the Alcohol Abstinence Monitoring Requirement were unknown, and may have been valid.

Over the pilot period, 113 Alcohol Abstinence Monitoring Requirements were issued with an average length of 75 days, and most commonly in response to alcohol-related violence or driving offences. In accordance with wider legislation applicable to all community sentences (schedule 8 and 12 of the Criminal Justice Act 2003), offenders were issued with a written notice if they failed to comply with the Alcohol Abstinence Monitoring Requirement. If they failed to comply on a second occasion, the case was referred to the Magistrates court for a hearing. The majority (92%) of participants complied with their Alcohol Abstinence Monitoring Requirement. Nine cases were returned to court and the offenders convicted of breaching their Alcohol Abstinence Monitoring Requirement.

Both practitioners and offenders understood the aims and ways of working of the Alcohol Abstinence Monitoring Requirement. This was likely due to the support offered by the Mayor of London Office for Policing and Crime, and the regular communication between practitioners and the project manager. Publicity could have been more widespread to ensure that legal professionals (in particular, defence solicitors) and the general public were aware of the new technology.

Offenders surveyed were largely unhappy about the appearance and 'wearability' of the tag. Overall, however, they were positive that they could complete the order. The Alcohol Abstinence Monitoring Requirement was largely welcomed by practitioners as 'another tool in the box' of community sentences, filling a gap in sentencing for alcohol-related offences committed by non-dependent offenders. Interviewees felt that the period of abstinence the technology supported had the potential to give offenders an opportunity to break the cycle of routine drinking. Some National Probation Service and community rehabilitation company interviewees responsible for supervising tagged offenders gave

Probation Service and community rehabilitation company interviewees responsible for supervising tagged offenders gave examples of how they used the Alcohol Abstinence Monitoring Requirement as a 'teachable moment'. Whilst the Alcohol Abstinence Monitoring Requirement was considered to be a punitive response for the purposes of the pilot, these possible rehabilitative elements were highlighted by some as a welcome unintended consequence.

This timely report offers useful insights to inform any expansion of the scheme, as per plans in the 2015 Conservative Party manifesto, and contributes to awareness about the use of [sobriety orders](#) and the technology that underpin them in a UK context.

**FINDINGS COMMENTARY** The 2016 Home Office [Modern Crime Prevention Strategy](#) pledges to introduce sobriety as a court-imposed community order to reduce alcohol-related reoffending. It says that the Ministry of Justice will use the available evidence to establish the best model for achieving this – taking into account this pilot evaluation (extended to January 2016, beyond the scope of the present report).

Enforced sobriety has been applied, with success, in other contexts. An example is South Dakota's 24/7 Sobriety programme (1,2,3), which sought to tackle repeat drink-driving in a new and more direct way with the message: "If you don't quit drinking and driving, we will make you quit drinking." Judges imposed a special set of bond conditions on the target group requiring defendants to completely abstain from the consumption of alcohol, and to report twice-daily for alcohol testing or later to wear an alcohol-detecting anklet. Failed tests constituted a violation of bail terms and were punishable by immediate 24-hour imprisonment; missed tests lead to an arrest warrant.

However, results largely reflected the strategy of requiring offenders to attend (normally at law enforcement premises) twice daily to be tested for drinking, a procedure which may well entail much more quasi-therapeutic and/or deterrent contact than anonymous testing on its own. Across all participants, [findings of lower recidivism](#) than among other drink-driving offenders were based on a comparison which apart from the offender having to live in the state, made no attempt to ensure like was being compared with like. Comparisons of 24/7 offenders with 30 or 90 days of consecutive tests with more closely matched sets of non-programme offenders would suffer less from the same vulnerability, but presumably to a lesser degree, but sub-sampling introduced another possible source of bias, because no equivalent selection could be made from among comparison offenders. As a result, none of the comparisons with other offenders can be considered a decisive vindication of the programme.

Nevertheless, results among 24/7 Sobriety programme offenders were on the face of it impressive, at least while subject to the constraints imposed by the courts, and the programme [is thought](#) to have contributed to reduced alcohol-related traffic accident deaths and a declining prison population.

It seems the closest we have come to an evaluation which assessed criminal recidivism using an adequate comparison group was [US study](#) which recruited a sample of 114 drink-drivers convicted in North Carolina between 2005 and 2007 and ordered to wear a version of the same SCRAM anklet used in London. They were matched to 261 drink-driving convicts selected from a pool of 3000 to be as similar as possible in age, race and sex, where convicted, and criminal history. Remaining differences were adjusted for in the analysis.

It was immediately apparent that implementation had been suboptimal, the bracelet being worn for typically just two months and its imposition delayed for on average just over nine months after arrest. While the anklet was operational, SCRAM offenders were rarely reconvicted of any new offence, but the analysis was silent on whether overall during the 28 months of the study they were reconvicted less often. Instead it identified a subgroup of repeat offenders who wore the anklet for at least three months, among whom just 10% were reconvicted for a new offence compared to 21% of the non-SCRAM offenders. Sub-grouping in this way, however, robbed the analysis of the reassurance of a matched sample, because no selection corresponding to a three-month wear was possible among comparison offenders.

Among those who wore the anklet for less than three months there was some evidence of short-term suppression of reoffending, but also of a longer term bounce-back in a period when normally the bracelet would have been removed. Overall the study is vulnerable to differences between offenders or circumstances for whom courts considered the anklet suitable and/or the offender was prepared to accept it, and situations in which the anklet was not offered or was rejected. These differences may have contributed to the results, regardless of whether offenders were ordered to wear the anklet.

A scoping study reviewed in this [Effectiveness Bank entry](#) investigated what is being done in Scotland, outside of the prison setting, to meet the needs of problem drinking offenders by criminal justice and other services. One effective intervention was [arrest referral](#), which has proven to be effective at targeting offenders with both alcohol and drug misuse problems early in their criminal justice journey, ie, at the point of initial police detention. Research in Scotland has shown that [arrest referral](#) can identify individuals with significant drug and alcohol problems and offending behaviour linked to substance misuse, and link them to appropriate services. There is, however, limited evidence to date which shows that [arrest referral](#) reduces alcohol consumption and/or harm.

Practical information on the implementation of Alcohol Abstinence Monitoring Requirements, including eligibility criteria, can be found in this [toolkit](#) from the Mayor of London Office for Policing And Crime.

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