

Home Detention Curfew (HDC)

What is Home Detention Curfew (HDC)?

Home Detention Curfew is a scheme which allows some people to be released early from custody if they have a suitable address to go to. It is often called ‘tagging’.

If you are released on HDC you will have rules to follow about where you can go and what time you have to be back at home. This is known as a ‘curfew’. For example, you will normally be expected to be at your home address for 12 hours from 7pm to 7am. In rare cases, this curfew could be changed – for example if you have paid work that falls within these hours.

You will have to wear an electronic tag whilst on HDC, normally around your ankle. This is used to check that you follow these rules.

Who can be released on HDC?

Whether you can get released on HDC depends on things like your sentence length, current and previous offences and your behaviour during this and previous sentences.

Eligibility

Eligibility is a matter of law, so if you are ineligible you will not be released on HDC under any circumstances. The *Home Detention Curfew (HDC)* Policy Framework includes the list of exclusions. You are ineligible if any of the following apply:

- you are serving a sentence subject to release at the two thirds point.
- you have been issued a notice under section 244ZB and this remains in force. This is when the Secretary of State has exercised their power to refer you to the Parole Board for release instead of your automatic release.
- your release is governed by the preserved Criminal Justice Act 1991 release provisions for long-term prisoners set out in Schedule 20B of the 2003 Act. This applies to types of sentence that were imposed under previous legislation but have since been repealed.
- you have been convicted of a sexual offence and are required to register.
- you are currently serving an extended sentence or special custodial sentence for violent or sexual offences.
- you are serving a sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003. This relates to specified terrorist or terrorist connected offences.
- you are serving a sentence for failing to return on ROTL, absconding or escape.

- you are serving a sentence for breach of the curfew requirement of a Community Order
- you are a foreign national who has been recommended for deportation by the court or you are liable to deportation and a decision to deport has been served.
- If release on HDC would mean you serve less than 14 days since date you were sentenced.
- you have been recalled to prison for failing to comply with HDC curfew conditions within two years of the date of sentence for the current sentence.
- you are currently serving a recall from early release on compassionate grounds.

Please note that since 17 June 2024, you no longer need to be serving a sentence of less than four years to be eligible for HDC.

Presumed Unsuitable

Even if you are eligible there are a number of reasons you could be 'presumed unsuitable'. These include:

- Anyone serving a sentence for any of the following categories of offence:
 - Homicide
 - Explosives
 - Possession of an offensive weapon
 - Possession of firearms with intent
 - Cruelty to Children
 - Offences aggravated on grounds of race, religion or sexual orientation
 - Terrorist offences (other than those in section 247A(2) of CJA 2003)
 - Stalking, harassment, coercive control and non-fatal strangulation and suffocation offences
- Anyone with a history of sexual offending but not required to register;
- Anyone with a history of terrorist or terrorist connected offending (other than current sentence)
- Foreign national prisoners liable to deportation but not yet served with a decision to deport;
- Anyone who has been recalled for poor behaviour while on HDC within two years of the date of sentence for the current sentence
- Category A prisoners
- Anyone assessed as high or very risk of harm subject to MAPPA Level 2 or 3 arrangements.

There is more information in the *Home Detention Curfew (HDC) Policy Framework*.

If you are presumed unsuitable you will only be allowed HDC in 'exceptional circumstances'. If you think your case is exceptional you can write to the Governor asking them to consider it. If they agree that there are exceptional circumstances, then HDC can be considered as normal.

Annex D of the Policy Framework contains more guidance to help Governors decide if a case has 'exceptional circumstances'.

When can I be released on HDC?

If you are granted HDC, you must have served at least 28 days OR a quarter of your sentence, whichever is the longest. The maximum period of HDC is 365 days.

Your HDC eligibility date will be based on the above. This does not mean that you will get released on HDC on that date, only that you are eligible for release on HDC from that day onwards. Few people are released exactly on their eligibility date.

When will I be told if I can get HDC?

The prison should work out your eligibility within 5 working days of sentence calculation and should inform you in writing.

If you are eligible and suitable for HDC you should be considered automatically and should not need to apply. You should receive a Proposed Address Form at least 10 weeks before your HDC eligibility date. If you are serving a very short sentence this should happen sooner.

If this does not happen, speak to staff or put in an application to OMU or the HDC clerk at your prison.

You should be informed of the decision at least 2 weeks before your HDC eligibility date.

What happens after I submit the Proposed Address form?

After you have submitted the Proposed Address Form, staff at the prison should complete part 1 of the Address Checks form and send it to your Community Offender Manager (COM). Your COM may also be called your probation officer or offender manager. The Proposed Address Form should be sent to your COM at least 9 weeks before your HDC eligibility date.

Seven weeks before your eligibility date your COM should have returned the completed Address Checks form and confirmed they have completed relevant checks, including the following:

- That they have spoken to the main person is living there and they have given their informed consent – this means that your COM will make sure they understand what HDC means and check that they are happy for you to be released to that address. They will also need to know who else is living at that address.
- Whether there are any risk management planning actions, including to safeguard children or adults, which need to happen before you can be released to that address.
- That they have consulted with your Prison Offender Manager (POM) for information about your progress.
- That there is an electricity supply at the address;
- Details of your reporting instructions – this is when and where you will need to meet with your COM once you are out of prison;
- If any non-standard licence conditions are needed, such as any variation on the usual 7pm-7am curfew hours, for example to allow you to attend work.

Your COM may visit the address given to make checks if they think this is necessary.

What if I cannot give a suitable address for HDC?

If you do not have an address to give, or the address you propose is deemed unsuitable, you can be considered for referral to the Community Accommodation Service Tier 2 (CAS-2).

CAS2 provides suitable accommodation for those who would otherwise be held in prison, particularly for people on bail and those eligible for Home Detention Curfew (HDC). It used to be called Bail, Accommodation and Support Service (BASS).

If this applies to you please ask your POM for more information about this. There is also information in the *Community Accommodation Service – Tier 2 (CAS – 2) Policy Framework*.

How and when is the HDC decision made?

At least 5 weeks before your eligibility date, and once an Address Checks form has been returned by your COM in the community, your case should be assessed and a decision made.

If you are eligible for HDC, and not presumed unsuitable, the decision should be made to release you on HDC unless one or more of the following apply;

- a) you are under investigation or have been charged or convicted of a serious further offence during your current sentence,
- b) there are risk management planning actions which must happen before you are released (for example the address has been found unsuitable), or
- c) there would be fewer than 10 days to serve on HDC before you would normally be released automatically.

It is also possible that a decision can be postponed for the above reasons. If you have been refused because the address was found unsuitable you should be given the opportunity to have an alternative address considered, if there is time.

In addition, the HDC Policy Framework also says that if you are held in segregation from the general population, other than for your own protection, you must not be released on HDC until you have been on ordinary location for at least 7 days.

You should be informed of the decision at least 2 weeks before your HDC eligibility date.

There is more information about the process in the *Home Detention Curfew (HDC) Policy Framework*. You can contact our Advice and Information service if you would like us to send you a copy of this.

Can I appeal the decision?

There is no formal appeal procedure if you are not happy about an HDC decision. However, you can put in a complaint using the normal internal complaints procedure.

Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful Policy Frameworks, PSIs and PSOs (these should be available in the library):

Home Detention Curfew (HDC) Policy Framework

Community Accommodation Service – Tier 2 (CAS – 2) Policy Framework

Information sheets

Prisoners' Advice Service information sheet about *Home Detention Curfew*

Prisoners' Advice Service Self Help Toolkit about *Home Detention Curfew*

Other

The Prison Rules (1999)

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN**