



ALCOHOL ABSTINENCE MONITORING REQUIREMENT FREQUENTLY ASKED QUESTIONS

Who has commissioned the Compulsory Sobriety Pilot?

The Mayor of London successfully lobbied for legislation to allow for the introduction of a new sentencing power, the Alcohol Abstinence Monitoring Requirement (AAMR) to tackle the significant problem of alcohol related violence. Consequently, provisions in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, now provide courts with a power to impose an Alcohol Abstinence and Monitoring Requirement (AAMR).

Before the AAMR can be used on a large scale, it must first be implemented under a Pilot. This pilot has been commissioned by the Mayors Office of Policing and Crime (MOPAC).

What is meant by a proof of concept pilot?

By 'proof of concept' pilot we mean that we are testing the AAMR and whether or not it is an effective tool for tackling alcohol related disorder.

What are the aims of this proof of concept pilot?

1. to test how widely courts use AAMR, and the technical processes within the criminal justice system;
2. to evidence compliance rates with the AAMR; and
3. to evidence the effectiveness of 'transdermal tags' in monitoring alcohol abstinence.

What are Transdermal Tags?

Transdermal alcohol monitoring tags will not be used to monitor offender location or movement. The Alcohol Tags will be used to monitor compliance with the Order of the Court – which requires abstinence from alcohol consumption for a period of time specified by the Court, but not exceeding 120 days.

How do the Alcohol Tags work?

The Alcohol Tags are effectively a breathalyser for the ankle. They detect consumed alcohol through the offenders sweat and transmit this data to the service providers' monitoring system. The service provider will provide the National Probation Service or Community Rehabilitation Company with information on the offender's alcohol consumption on the basis of this data.

How will it be determined as to whether the case is enforced by the National Probation Service or a Community Rehabilitation Company?

This will be determined by the risk level assessed at the Pre-Sentence Report stage.

Why South London?

The legislation requires for the AAMR to be piloted, and as this is a proof of concept pilot it was decided that it would be focussed one Justice area; which would allow for sufficient numbers as covers the boroughs of Croydon, Lambeth, Sutton and Southwark, but also be manageable in the sense that they share the same Judiciary.

Why only 150 offenders?

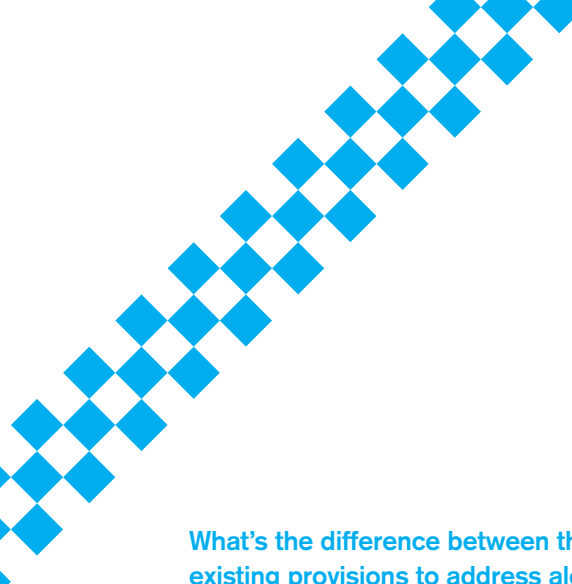
This is a proof of concept pilot and it has been estimated that 150 will be the approximate number of cases that will be captured during the course of the pilot and will provide for an effective evaluation.

Why are you excluding Domestic Abuse cases?

As part of the development of the pilot, there were concerns over domestic abuse cases being made subject to a AAMR, before the AAMR has been fully tested. This was in relation to the potential consequences, such as the abstinence of alcohol creating additional risks for the victim and diverting attention away from specific interventions that are designed to tackle the behaviour. **This position is only applicable for the period of the pilot.**

MAYOR OF LONDON

OFFICE FOR POLICING AND CRIME



What's the difference between the AAMR and existing provisions to address alcohol misuse/disorder?

The courts have previously been able to impose an Alcohol Treatment Requirement (ATR) as part of a Community Order or a Suspended Sentence Order for offenders who are dependent upon alcohol, with the offender's consent.

However, a significant number of alcohol-related offences are not committed by dependent drinkers, but rather those who misuse alcohol. For those offenders, there is a need to look at further tools to address such behaviour.

The Alcohol Abstinence and Monitoring Requirement (AAMR) is a new sentencing power that allows courts to impose a requirement for an offender abstain from alcohol for a fixed time period (up to 120 days) and be regularly tested to ensure compliance.

Unlike the existing ATRs the offender does not need to consent to the terms of the AAMR. The Court has the power to sentence an offender to a Community Order or a Suspended Sentence Order with an AAMR. This pilot would not be suitable for dependent drinkers.

MOPAC will be advising both the Community Rehabilitation Companies (CRC), National Probation Service and Magistrates (NPS), that AAMR is not suitable for dependent drinkers. Probation staff must carry out pre sentence alcohol screening. AAMR should not be combined with an ATR.

What happens if a dependent drinker didn't declare their dependency, somehow passed the screening processes and was given a AAMR?

The offender should be returned to Court where an NPS officer can make an application to revoke and resentence, or amend the Order in the interest of justice.

Ok, so the order is not for dependent drinkers. What treatment are you providing for the offenders who receive the AAMR? Clearly their drinking behaviours are a concern.

The legislation does not allow the Courts to impose an Alcohol Treatment Requirement with the Order. However each offender will receive the Identification and Brief Advice (IBA) service from their Responsible Officer within the NPS/CRC. The Responsible Officer will also signpost the offender to local treatment and service providers who can provide support them when requested.

What will happen at the end of the pilot?

MOPAC will evaluate and review the evidence from the pilot. The evaluation will lead to recommendations for future AAMR implementation.

Isn't this an invasion of privacy to those individuals tagged?

The alcohol monitoring tags do not monitor location or movement. Only compliance with a Court Order is monitored, which requires abstinence from alcohol.

What are the equality implications of the AAMR?

An EIA can be found at:

www.justice.gov.uk/downloads/legislation/bills-acts/legal-aid-sentencing/laspo-sobriety-eia.pdf

The equipment – How does it work?

Details on how the transdermal tag works can be found at www.scramsystems.com