

Enforced alcohol abstinence: does it reduce reoffending?

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This Data Insight draws on Ministry of Justice Data First magistrates' courts and probation datasets to examine how alcohol-treatment and monitoring requirements are used and whether they reduce reoffending.

Summary

This project separately assessed the impact of alcohol abstinence monitoring requirements and alcohol treatment requirements on likelihood of reoffending. It used a formal measure of successful completion of a requirement and a further three proxy outcome measures of reoffending.

The proxy reoffending outcomes comprised:

- a measure of whether individuals reappeared before the magistrates' courts for a further offence following a referral to probation
- the number of such reappearances
- the time (in days) elapsed until any such reappearance.

Successful completion of both abstinence and treatment requirements was, on average, less likely for those serving community sentences for theft offences (compared to other offences).

Statistical models controlling for characteristics such as age, sex, ethnicity, deprivation and offence type yielded mixed results as to the impact of abstinence and treatment requirements. They offered evidence that abstinence requirements reduced the likelihood of reoffending, but no evidence that treatment requirements did similarly.

Background

In cases where alcohol consumption played a role in defendants' offending, courts in England and Wales may use alcohol treatment or abstinence requirements as part of a community sentence.

Alcohol treatment requirements are aimed at offenders who are dependent on alcohol, whereas alcohol abstinence monitoring requirements are considered suitable for non-dependent drinkers whose drinking contributed to their offending. Compliance with the latter is overseen by electronic monitoring (and the threat of further court hearings, fines, or imprisonment).

Whilst there is evidence of high levels of compliance with abstinence requirements, there is limited evidence about whether they reduce reoffending. This study seeks to examine the impact of both treatment and abstinence requirements on reoffending.

What I did

I combined probation (Jan 2014 - Dec 2020) and magistrates' courts (Jan 2011 - Dec 2020) data to assess the impact of abstinence and treatment requirements on four key outcome measures. Upon subsetting the combined data to retain only those with probation records and to remove invalid or historical offence dates (see [my Data Explained](#) for details on linkage procedure), there remained 1,188,349 records, with n=647,559 unique defendant events with which to pursue further analysis.

The outcome measures comprised successful completion of a requirement as a measure of formal compliance (*cf.* Bottoms, 2001; Robinson and McNeill, 2008) as well as three substantive compliance (*cf.* Robinson and McNeill, 2008) measures proxying for reoffending prevalence and incidence. They also comprised duration until reoffending, as operationalised by reappearances before the magistrates' courts.

The formal compliance measure comprised a measure within the probation records identifying those who had successfully completed their requirement (to contrast against those who had not).¹

The proxy reoffending measures – which differ from the definition of proven reoffending from [accredited official statistics published by the Ministry of Justice](#) – comprised:

- a binary measure of reappearance before the magistrates' courts for a further offence following a referral to probation (prevalance)
- the number of such reappearances (incidence)
- the time (in days) elapsed until any such reappearance (duration).

These measures were explored using a variety of statistical techniques². Models were run separately to assess the impact of abstinence and treatment requirements. To examine the net impact of the respective intervention, all models controlled for age at the time of the offence, sex, ethnicity, (residential) area level deprivation and offence type, as well as whether this was alcohol-defined (see my [Data Explained document](#) for details on (alcohol-defined) offence variables).

¹ This comprised two categories within the termination reason variable to include those identified as "Requirement Completed" or "Expired (Normal)". This is because the latter is used as a positive termination reason, i.e., when the person got to the end of that requirement successfully.

² Logistic and negative binominal regression as well as event history analysis/time to event modelling. Right-censored data occur when the event of interest has not occurred for some individuals during the observation period. Event history analysis, otherwise known as survival or time-to-event analysis, provides a statistical way to account for right-censored observations in the analysis. It enables the modelling of the probability of a follow-up event (in this case, reoffending) with different lengths of exposure between people adjusting for potential bias introduced because of (right or left) censored data and so can effectively make use of time-to-event information where the time to the event varies among individuals.

What I found

Alcohol abstinence monitoring requirements

Three in four abstinence requirements (78.1%) were successfully completed

Of the total number of abstinence requirements issued in the dataset (n=1,987), around three in every four cases (78.1%) were successfully completed³ at the point of data extraction. This is lower than [earlier evaluation studies](#) reporting high compliance rates with abstinence requirements (e.g. 97.2%).

They tend to be used for sentencing of minor offences

Abstinence requirements were commonly used in sentencing summary offences (less serious offences, usually heard in the magistrates courts such as motoring 22.0% and non-motoring 45.1%). They were less commonly used when dealing with theft (3.6%), drug offences (0.7%) and criminal damage and arson (<10 cases). Abstinence requirements were also almost three and a half times more likely to be used in cases involving offences that were alcohol-defined⁴ (18.0% compared to 5.4% of that were not).

Successful completion is less likely for those with sentences for theft offences

Successful completion of an abstinence requirement was less likely for those serving sentences for theft offences (adjusted odds ratio (OR)=0.36, p<0.001).

Offenders with an abstinence requirement are less likely to reoffend

Initial statistical modelling results found those who received an abstinence requirement were significantly less likely to reappear before the magistrates' courts for a subsequent offence (OR=0.76, p<0.001) when compared with those who did not receive such a requirement. A further, more sophisticated, statistical model assessing the probability of reappearance before the magistrates' courts, while accounting for gaps in the data (owing to varying follow up or exposure periods between cases), also found those who received an abstinence requirement had decreased risk of reoffending. This means the abstinence requirement was protective of reoffending, as operationalised by magistrates' court reappearances (relative risk (RR)=0.67, p<0.001).

When modelling the number of times an individual reappeared before court results found those who received an abstinence requirement had significantly lower reappearance rates (incidence rate ratio (IRR)=0.67, p<0.001) when compared with those who did not receive such. However, when modelling durations (in days) until any reappearance before the magistrates' courts they had similar durations to those who did not receive the requirement (IRR= 1.03, p= 0.713).

³ 84 individuals were given an abstinence requirement more than once.

⁴ See [my Data Explained](#) for further detail on the identification of alcohol-defined offences (owing to limitations in not being able to specify offences as alcohol-related).

In summary, these findings offer evidence of abstinence requirements reducing reoffending (in the form of prevalence and incidence of magistrates' court reappearances), but not of their influence on the time elapsed before any further reappearance before the magistrates' courts.

Alcohol treatment requirements

Two thirds (68.2%) of treatment requirements were successfully completed

Of the total number of treatment requirements in the dataset (n=43,372⁵), more than two thirds (68.2%) were successfully completed at the point of data extraction.⁶ This finding is similar to that observed [in a recent study](#) which looked at pathways between probation and addiction treatment in England. Using probation data linked with National Drug Treatment Monitoring System data, this earlier study looked at the percentage of those who had completed (48%) or remained in alcohol treatment (22%) during the study, which together comprised 70%.

They tend to be used for sentencing of minor offences, as well as theft and violence

Treatment requirements were commonly attached to sentences for summary offences (motoring 13.6% and non-motoring 44.4%) as well as theft (11.7%) and violent (12.7%) offences. They were less attached to criminal damage (0.4%), drug (1.3%), sexual (0.7%) and miscellaneous offences (1.4%). Treatment requirements were also much more likely to be used in cases involving offences that were alcohol-defined (11.3% compared to 5.2% of cases that were not).

Rates of completion of a treatment requirements vary across offenders' characteristics

Successful completion of a treatment requirement was more likely for each additional year of age (OR=1.02, p<0.001). However, males were (19%) less likely to successfully complete a treatment requirement (OR=0.81, p<0.001). Those receiving a treatment requirement for public order and theft offences were also less likely (21% and 46% respectively) to successfully complete this requirement. Those sentenced for drug (OR=1.5, p<0.001) and summary motoring (OR=1.75, p<0.001) offences were more likely to complete a treatment requirement. Those serving a sentence for an alcohol-defined offence were, on average, no more likely to complete a treatment requirement (OR=1.14, p=0.082).

Offenders with treatment requirements were more likely to reoffend

Initial modelling results found that those who received a treatment requirement were significantly more likely to reappear before the magistrates' courts for a subsequent offence (OR=1.65, p<0.001). A further, more sophisticated, statistical model (accounting for gaps inherent in the data) also suggested those who received a treatment requirement as part of a

⁵ 7,864 individuals were given a treatment requirement more than once.

⁶ Superficially, treatment requirements completion would seem much lower than the completion rate associated with abstinence requirements. However, it is important these requirements are potentially more involved, run for longer, and are used for those who are alcohol dependent and who are not always expected to make sustained linear progress towards abstinence.

community order were associated with increased risk (21%) of reoffending, as measured by reappearances before the magistrates' courts (RR=1.21, $p<0.001$).

When modelling the number of times an individual reappeared before court results found those who received a treatment requirement had slightly higher reappearance rates (IRR=1.53, $p<0.001$) when compared with those who do not receive such. In addition, those who received a treatment requirement had shorter durations (in days) until any reappearance before the magistrates' courts (IRR= 0.95, $p<0.001$) when compared with those who do not receive such a requirement.

In sum, these findings offer no evidence of treatment requirements reducing reoffending (in the form of prevalence and incidence of magistrates' court reappearances). Indeed, two models provided evidence of an increased likelihood of reoffending prevalence, although this may be due to factors beyond those controlled for in this analysis. There was also evidence of higher reoffending rates (incidence) among those in receipt of treatment requirements. In addition, the time elapsed (in days) until a subsequent offence was shorter among those in receipt of treatment requirements when compared to those not receiving this requirement.

Why it matters

This study represents the first of its kind to make use of large scale linked magistrates' courts and probation data, together with four success measures, to assess formal and substantive compliance with alcohol requirements. It is also the first to consider both treatment and abstinence requirements in the same study, encouraging reflection on the purposes of these court-enforced alcohol interventions. Its findings are of particular importance, indicating limited support for these interventions to curb reoffending.

Statistical models, controlling for age, sex, ethnicity, and area level deprivation, as well as offence type, yielded mixed results as to the impact of abstinence and treatment requirements. They offered evidence that abstinence requirements reduced the likelihood of reoffending, but no evidence that treatment requirements did similarly.

This project contributes to our understanding of how to effectively respond to alcohol-related crime. It provides insights into the efficacy of court-enforced alcohol orders for reducing reoffending. The findings, which offer no evidence of a protective effect of treatment requirements on reoffending, encourage reflection on the purposes of this intervention, as their continuation based on a defence of curbing reoffending is weak. However, 'effectiveness' may be assessed in myriad ways, so harm reduction, healthier drinking patterns, or other wellbeing or lifestyle factors may be viable rationales for their continuation. Nevertheless, abstinence requirements were identified as having a protective effect on both the likelihood and frequency of reappearing before the court. Despite the initial appeal of these results being cited as evidence for the continued use of abstinence requirements, more research is needed into the conditions and for what type of drinkers these are most effective.

Those serving sentences for theft offences were, on average, less likely to complete their alcohol requirements. This acquisitive crime profile might be indicative of behaviour used to fund entrenched alcohol use or dependence, or of other factors relating to means (income) or homelessness. These would benefit from investigation. Further research to explore the use of alcohol requirements in such circumstances is thus encouraged.

What next?

As the data used in this study spans data during the initial 'pilot years' of abstinence requirements⁷, updated analyses could be run to better understand the impact of abstinence requirements since its national roll out in Wales (October 2020) and England (2021). To give further strategic consideration as to the value of court-enforced alcohol requirements, evaluation of the national roll out of abstinence requirements, as well as other similar alcohol interventions in criminal justice, such as alcohol monitoring on licence, is recommended.

Upon release of Offender Assessment System data, as part of the Data First programme, the analyses could be extended to include client alcohol use patterns as captured by the Alcohol Use Disorders Identification Test. This would allow for further assessment as to the association between drinking patterns, alcohol orders and reoffending/reconviction, and assessment of whether the abstinence requirement is effective in curbing reoffending with some types of drinkers.

In my study, reoffending is operationalised as a binary measure of reappearances before the magistrates' courts. These analyses thus do not account for any change in nature between the original offence and type of subsequent reoffences. It is possible that treatment or abstinence requirements could impact upon the seriousness or nature of reoffending (for example, from violent offending profiles to acquisitive offending profiles). This would benefit from further examination.

Moreover in modelling, the duration between one offence and the next did not account for the length the treatment or abstinence requirement was operational for; and so the analyses preclude any consideration of 'dose' responsiveness – that is, the most appropriate length of an abstinence or treatment requirement. Rather, the analyses assess only the extent to which receipt of such an intervention impacts upon any future reoffending.

⁷ The abstinence requirements were introduced in two London pilot sites between 2014 and 2018 and in North Yorkshire, Lincolnshire and Humberside (2018-2019). Following the conclusion of the pilot studies, national roll out in Wales (in October 2020) and England (March 2021) took place.

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Disclaimer

This work was produced using administrative data accessed through the ONS Secure Research Service. The use of the data in this work does not imply the endorsement of the ONS data owners (e.g., HM Courts and Tribunals and the Ministry of Justice) in relation to the interpretation or analysis.

This work uses research datasets which may not exactly reproduce Accredited Official Statistics aggregates. Accredited Official Statistics follow consistent statistical conventions over time and cannot be compared to Data First linked datasets.

About ADR UK

ADR UK (Administrative Data Research UK) is a partnership transforming the way researchers access the UK's wealth of public sector data, to enable better informed policy decisions that improve people's lives. By linking together data held by different parts of government and facilitating safe and secure access for accredited researchers to these newly joined-up and de-identified datasets, ADR UK is creating a sustainable body of knowledge about how our society and economy function – tailored to give decision makers the answers they need to solve important policy questions. ADR UK is funded by the Economic and Social Research Council (ESRC), part of UK Research and Innovation.

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