



HMIPS

HM Inspectorate of Prisons for Scotland
INSPECTING AND MONITORING

HM Chief Inspector of Prisons for Scotland Statement

Report on the Review of the Arrangements for Home Detention Curfew within the Scottish Prison Service

Background

This report was instigated in accordance with section 7(2)(d) of the Prisons (Scotland) Act 1989, the then Cabinet Secretary for Justice, Michael Matheson MSP wrote to HMIPS on 7 June 2018 instructing us to undertake an:

“investigation to involve an independent assessment of the processes that the Scottish Prison Service operate when considering applications for Home Detention Curfew to provide assurance for Ministers, the Parliament and the public”

This request was made following the sentencing of James William Wright for murder, an offence committed whilst ‘unlawfully at large’ having breached his Home Detention Curfew (HDC) on 23 February 2017 and been recalled to custody on 24 February 2017.

Statement

“Firstly HMIPS would like to offer our sincere condolences to the family of Craig McClelland, whose murder by James Wright, whilst unlawfully at large from HDC, gave rise to this independent review of HDC.

Many thousands of individuals from Scottish prisons have undertaken a period of HDC, the vast majority of whom have successfully completed periods of up to six months in the community. It was evident through the process of this review that HDC had assisted a considerable number of individuals to successfully reintegrate into their communities. Many of whom had found employment during their time on HDC.

In the specific case of Mr Wright, the Scottish Prison Service correctly completed and recorded all the processes in line with the published ‘Guidance for Agencies’ document.

We have recommended that the assessment process is reviewed, and a more comprehensive and defined assessment process is developed, to reduce any inconsistency and enhance the risk assessment process.

We have also recommended that specific training in risk evaluation and assessment be provided to individuals or teams tasked with making the decision to release someone on HDC.

Training and awareness for those undertaking the assessment process would reduce inconsistencies and ensure a more robust and transparent risk assessment process.

Additionally, the hierarchy of responsibility for HDC decisions should be reviewed, and a second level of assurance on the recommendation to release an individual or not should be allocated to a more senior manager.

Furthermore, we found that those making decisions to release an individual on HDC do not have access to intelligence held by Police Scotland. This situation makes it difficult to come to a more informed decision about an individual's risk to the community.

We found that where someone was being released in Scotland, the SPS' notification process to Police Scotland involved an email being sent to a number of addresses. This multiple entry point approach could result in confusion regarding responsibilities in regards to the Police Scotland role in recording or acting upon the information. However, we are happy to report that this process has been simplified to a single point of contact.

Finally, Scottish research should be commissioned to look at the impact of HDC on the successful reintegration of prisoners back into their communities.”

Wendy Sinclair-Gieben
HM Chief Inspector of Prisons for Scotland

NOTES

1. HM CHIEF INSPECTOR OF PRISONS – WENDY SINCLAIR-GIEBEN was appointed to the post of HM Chief Inspector of Prisons for Scotland in July 2018.
2. For further information please contact Kerry Love, Business Manager, at Kerry.Love@gov.scot or on 0131 244 8484/07939 980452.

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