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Cabinet Secretary for Justice
Humza Yousaf MSP
St Andrew's House
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22 October 2018

Dear Cabinet Secretary,

In accordance with section 7(2)(d) of the Prisons (Scotland) Act 1989, on 7 June 2018 the then Cabinet Secretary for Justice, Michael Matheson MSP, instructed Her Majesty's Inspectorate of Prisons for Scotland (HMIPS) to carry out an independent review of Home Detention Curfew (HDC), and to include the following expectations:

- an independent assessment of the processes that the Scottish Prison Service (SPS) operate when considering applications for HDC to provide assurance for Ministers, the Parliament, and the public
- make recommendations for changes or improvements, if any shortcomings or inconsistencies exist; and identify any areas of best practice
- escalate any areas of immediate concern to the SPS Chief Executive Officer

Since the introduction in 2006 of the HDC policy, more than 20,000 individuals have been released on HDC by the SPS. HDC has an overall successful completion rate of around 80% and is a potentially transformative aspect of the criminal justice system in Scotland.

HMIPS has carried out the independent review and I enclose a copy of our report for your information.

Firstly, I would like to start by offering my 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.

Secondly, it is important to place this independent review in context.

Our review has identified that in this particular case the SPS were fully compliant with their own processes. However, we have made a number of recommendations for consideration including:

- a root and branch review of the assessment process for HDC to ensure it addresses the original objectives and provides confidence that it protects the safety of the community
- a stronger framework of information sharing between the respective agencies (SPS, Police Scotland and Criminal Justice Social Work)
- commissioning research into the impact of HDC on successful reintegration into the community

The report has been shared with Her Majesty's Inspectorate of Constabulary in Scotland (HMICS), Police Scotland, the SPS, and the Scottish Government for the purpose of factual accuracy checking.

This independent review was led by Jim Farish, Deputy Chief Inspector of Prisons, and Calum McCarthy, Inspector of Prisons in collaboration with HMICS. The review was also supported by colleagues from within HMIPS, with the executive lead provided by myself as HM Chief Inspector of Prisons for Scotland.

Finally, I would like to record my thanks to all who contributed to this independent review including members of the SPS, the Short Life Working Group, and other stakeholders.

Yours sincerely

Wendy Sinclair-Gieben

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