



HMIPS

HM Inspectorate of Prisons for Scotland
INSPECTING AND MONITORING

HM Chief Inspector of Prisons for Scotland Statement

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

Background

In June of 2018, James Wright was sentenced to life imprisonment for the murder of Craig McClelland, a crime committed while he was unlawfully at large having breached his Home Detention Curfew (HDC) conditions.

I would like to begin by again offering my sincere condolences to the family of Craig McClelland, whose murder gave rise to the strategic review of the HDC in the Scottish Prison Service (SPS) (2018 Review) and this subsequent progress review.

In 2018, HMIPS carried out an independent assessment of the processes that the SPS operate when considering applications for HDC, to provide assurance for Ministers, the Parliament and the public.

On 25 October 2018, the Scottish Government published the HMIPS HDC review report, which contained 21 recommendations covering a range of suggestions for improvement across operational processes, strategic direction and national guidance.

In November 2018, the Cabinet Secretary for Justice, Humza Yousaf MSP, wrote to HMIPS requesting that HMIPS carry out a review of the progress that the Scottish Prison Service (SPS) had made towards implementing the recommendations from the HDC review.

The Cabinet Secretary wrote in similar terms to Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) asking them to carry out a six-month review of progress against the recommendations for Police Scotland role in Home Detention Curfew.

Findings

The SPS and the Scottish Government have made good progress with the delivery of the 21 recommendations made by HMIPS, and it is clear from our fieldwork that both organisations treated the HDC recommendations as a priority.

HMIPS has determined that sixteen of our recommendations have been fully met and are considered closed. In the remaining five recommendations, we recognise that more time is needed to fully satisfy all the requirements of our recommendations. We note, however, that steady progress has been made on these recommendations over the last five months, and they are on track to be completed within a reasonable timeframe.

The HMIPS independent findings and the status of each of the recommendations progress are summarised in the report.

The revised guidance introduced four additional presumptions against granting HDC. Since then, the numbers granted HDC have significantly reduced, adding to the overcrowding pressures experienced by the SPS. It is important to place this in context. Since the introduction in 2006 of the HDC policy until the changes in the criteria in 2018, more than 20,000 prisoners had been released on HDC by the SPS.

HDC was considered a potentially transformative tool that contributed to their reintegration. For most prisoners eligible for release under the policy, HDC was a routine progression through their sentence allowing testing in the community before sentence expiry.

In 2018, there were approximately 300 offenders living in the community on HDC with a successful completion rate of around 80%. There are now less than 60.

There would be merit in engaging with additional agencies that may have an interest in evaluating HDC and its potential benefits, such as the Judiciary and the Parole Board for Scotland. This may deliver a new and equally credible model that would allow the numbers released on HDC or electronic monitoring to increase.

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. On publication the report can be found at www.prisoninspectorscotland.gov.uk
3. 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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