

DOCUMENT 1 - SCRIPT FOR SHORT FILM USED IN PRISONS  
TO INFORM PRISONERS ABOUT HDC.

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**From:**  
**Sent:** 15 May 2017 14:00  
**To:**  
**Subject:** FW: Draft- HDC script  
**Attachments:** Release and Tag hdc.pdf

Hi

I am not sure if you have this, it's the latest version of the script. is happy to take comments.

Electronic Monitoring Unit  
GWR St Andrew's House, Edinburgh, EH1 3DG  
Tel:



---

**From:**  
**Sent:** 11 May 2017 15:05  
**To:**  
**Cc:**  
**Subject:** Draft- HDC script

Hi

Here is a draft of the 'HDC drama' section of the project.

If you have any questions about any of the scenes please feel free to call who is directing it, or myself. Our numbers below.

Cheers

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This email has been received from an external party and  
has been swept for the presence of computer viruses.

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[streetcones.org](http://streetcones.org)

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This email has been received from an external party and  
has been swept for the presence of computer viruses.

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## **Release & Tag (H.D.C Project, Scottish Government)**

### **Scene 1 – Information Overload – Jail – Interior**

Paul is going through his Induction, after being searched and changed into his Prison clothes he is directed to a door by the prison officer behind the desk where he will be given a medical. What proceeds is Paul having to go from 1 door to another as he finds out all the information he needs and is entitled to as he begins his sentence. As he leaves 1 room to head to another we see that it is starting to take its toll on Paul, with the realization of his newfound situation and the amount of information he is expected to retain, Paul finds himself completely overwhelmed.

This scene will be achieved by a series of jump cuts as Paul goes from door to door. Close ups of all Paul as he finds himself overwhelmed, coming in and out of focus and the feeling of the room beginning to spin.

Audio snippets will ring out in his ears e.g.

First time in wee man

Here's some information on the H.D.C, H.D.C, H.D.C

I sentence you to....

Do you need to speak to someone about your mental state?

### **Scene 2 – Accepted – Jail Cell – Interior**

Paul is lying in his bunk deep in thought; his co-pilot (cell mate) is sitting at the desk writing. We can hear footsteps from outside getting closer and louder, eventually we hear the jingling of keys and the lock to the cell door going. It's a P.O delivering him a letter, he says he comes bearing gifts and congratulates Paul without saying what about. Paul suspects what it is but gives the letter to his co-pilot to read it for him, Paul struggles with Literacy Paul's co-pilot confirms his suspicions and tells him he's been accepted for the tag. Paul is overjoyed at this, he can't believe it. Unfortunately Paul's co-pilot doesn't share the same feelings regarding the H.D.C, having breached it previously he, in his opinion believes it to be a waste of time because it doesn't protect from the many factors outside that could cause you to breach it and you're better just doing your time and getting out and out with no restrictions

### **Scene 3 – Phone box – Hall – Interior**

Paul is phoning his mum and dads to tell them the good news, they, like him are absolutely over the moon at him being released. He tells them on the day, he will go straight to his flat, which has been set up for him before getting out. There he will be met by G4S who will install the system and tell him all the details

regarding the H.D.C. Like many people Paul's mum and dad ask him questions about it but unfortunately like them, Paul doesn't have the answers.

#### **Scene 4 – Project Installation – Paul's Flat – Interior**

Paul and his Through care Support Officer (T.S.O) are sitting in the living room when the buzzer goes. Eventually Paul answers the door and it is a representative of G4S here to fit the Electronic Monitoring System in the flat. This is David. David installs the system and shows Paul how everything works, he puts the tag round Paul's ankle. David gets Paul to walk around the flat so that he can program the distances and perimeter of the house. All the while providing information that Paul needs to know.

Also during Paul's time on the tag in his flat, we see the electricity cut off due to it running out and also Paul picking up dog mess because he thinks it's too late to be able to take his dog out.

#### **Scene 5 – Job Interview – Interview room – Interior**

Paul is in a job interview, it is a mentoring job with a third sector organization that employs people with previous convictions to mentor and support people like himself or who are on the fringes of the criminal justice system. Adam, who is interviewing Paul can see that he is nervous and tries to alleviate that by telling Paul that he is the type of person that is perfect for the job. Paul tells Adam that he is on the tag and is concerned that his restriction of hours, 7am to 7pm will prevent him from fulfilling his duties if hired. Adam once again reassures Paul and makes him aware that hours can be adjusted to meet potential employment needs. At the end of the interview Adam sees Paul out, shakes his hand and tells him that he will be in touch. Paul leaves, smiling and hopeful.

#### **Scene 6 – Fitba with the boy – Street – Exterior**

This scene is in 2 parts. Firstly we see Paul and his 6 years old son, Ry coming out of Paul's flat, they are both wearing Scotland scarves. They're going to the game. Paul locks the door and as they walk away, Ry grabs his dad by the hand.

Part 2 - Paul and Ry are coming back from the game, their team unfortunately lost but nothing would be able to put a dampener on the day they have been able to spend together. Hand in Hand, father & son head home.

#### **Scene 7 – Facing the Music – Street – Exterior**

Paul is coming back from the shops, as he turns the corner he accidentally bumps into a lady. When he goes to apologise to the stranger, he realizes it is no stranger. This is Janine, she was a victim of the crime Paul committed. Janine says she is surprised to see him out, Paul reassures Janine that he is completely off the hook, that is currently on the tag. He tries to apologise but Janine stops him in his tracks, as far as she is concerned he didn't get long enough. Paul is

resigned to the fact that even though he is out, his crime is still very much in the memory of the people who suffered from it. He can only watch on as Janine storms off.

### **Scene 8 – Paul’s Flat – Interior**

Paul is watching tv as his phone begins to ring, he answers it and it is Adam from the job interview. Adam tells Paul that he is very pleased to say that Paul was successful and he would like him to join their organization. Paul is almost speechless which causes Adam to double check that he is still at the other end of the phone. Paul tells him he is, that he just can’t believe it. Adam tells Paul to believe it because it’s true and that he looks forward to seeing Paul on Monday for his 1<sup>st</sup> day of a new start. Paul thanks Adam profusely and tells him he’ll see him on Monday then says goodbye and hangs up. He falls onto the couch and let’s out a great sigh as a big smile grows on his face.

**The End.**

**From:**  
**Sent:** 29 November 2017 12:28  
**To:**  
**Subject:** RE: Home Detention Curfew [SEC=OFFICIAL]

Having had a quick look through the documents, I can't see anything that causes me a major concern. It'll be interesting to see if they make changes on the basis of our HDC Guidance.

There are a few areas where they will need to update references to who our supplier is (they refer to Serco in a few places) as well as updating the contacts at SPS & SG (and possibly at CJSW).

Thanks

---

**From:**  
**Sent:** 28 November 2017 13:51  
**To:**  
**Subject:** [CJSM] Fw: Home Detention Curfew [SEC=OFFICIAL]

Hi

Please find attached the correspondence from

Your thoughts/comments are most welcome!

Regards

Scottish Prison Service | Calton House | 5 Redheughs Rigg | Edinburgh | EH12 9HW

t: e:

 **SCOTTISH PRISON SERVICE** Helping to build a safer Scotland - Unlocking Potential - Transforming Lives

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**From:**  
**Sent:** 16 November 2017 19:38  
**To:**  
**Cc:**  
**Subject:** RE: Home Detention Curfew [SEC=OFFICIAL]

It was really good to talk this afternoon. I am attaching the draft Prison Service and Probation Instructions that we are looking to implement from 3 January, subject to consultation. The headlines are that we are keeping the same statutory eligibility criteria and presumed unsuitable policy, but streamlining the process and focusing on risk management planning.

I am also attaching a brief note explaining how the current E&W HDC scheme works broadly, and the 2008 guidance we issued dealing with release on HDC between our two jurisdictions. This has never been amended and I can only assume that prisons have had to update the contact lists for themselves! I have to say that we get very few queries about the instruction, which means either that it is working very well or that we get very little HDC traffic across the border.

The immediate question for us is what we need to put into the January 18 Instruction about cases involving HDC across our two jurisdictions and I attach a table where I have set out what the 2008 instruction says and where the proposals change things. I should be very grateful if you could consider this and get back to me with any comments, queries or suggestions once you have had a chance to digest it.

We are pushing ahead with the current, limited changes in January because of quite how inefficient the current approach has become - releasing only 21% of all potentially eligible offenders in 2016 - and we want to fix that quickly. But I should make clear that our plan is to issue a Consolidated HDC Policy framework next year (possibly mid-year) and we were planning to update the 2008 guidance in detail then (in consultation with you) along with all the other guidance on HDC that we have issued over the years. Currently prisons and probation in England and Wales have to pick their way through a large number of instructions which is far from ideal.

Finally, I would be really grateful if you could copy me details of how the your HDC scheme, including the away box option.

Kind regards,



Tel:  
Mob:  
Ministry of Justice  
| 102 Petty France, London SW1H 9AJ  
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Protecting and advancing the principles of justice

**From:**  
**Sent:** 16 November 2017 11:41  
**To:**  
**Subject:** RE: Home Detention Curfew [SEC=OFFICIAL]

Hi

13:00hrs will be fine.

Regards

Scottish Prison Service | Calton House | 5 Redheughs Rigg | Edinburgh | EH12 9HW

t: | e:



Helping to build a safer Scotland - Unlocking Potential - Transforming Lives

**From:**  
**Sent:** 16 November 2017 11:08  
**To:**  
**Subject:** RE: Home Detention Curfew [SEC=OFFICIAL]

Hi I have to go off to a meeting now - should I ring at 1pm?

Regards,



Ministry  
of Justice

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Follow us on Twitter [@MoJGovUK](https://twitter.com/MoJGovUK)

Protecting and advancing the principles of justice

**From:**  
**Sent:** 16 November 2017 07:11  
**To:**  
**Subject:** RE: Home Detention Curfew [SEC=OFFICIAL]

Hi

It would be useful to talk this through if it potentially has an impact on how we carry out our business. When would be suitable to talk?

Regards



**From:**  
**Sent:** 04 December 2017 16:14  
**To:**  
**Subject:** RE: Comms lines for the Street Cones DVD

Hi  
  
has confirmed that SPS will deal with any media enquiries so this should not be an issue. I have taken out the reference to induction in my briefing for now. You can let us know when the process, launch dates etc. are confirmed.  
  
Best wishes.

Community Justice Division  
GWR St Andrew's House, Edinburgh, EH1 3DG  
Tel:

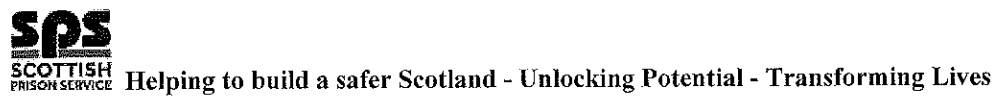


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**From:**  
**Sent:** 04 December 2017 11:51  
**To:**  
**Subject:** RE: Comms lines for the Street Cones DVD

Hi  
  
I am considering whether to include the showing of this as part of induction, as this may would include numerous prisoners who will not be afforded the opportunity of HDC, and subsequently may upset a few?  
  
I am trying to ensure that only those who make the cut so to speak will view it.  
  
Will be in touch soon.

Scottish Prison Service | Calton House | 5 Redheughs Rigg | Edinburgh | EH12 9HW  
t: | e:



**From:**

**Sent:** 04 December 2017 11:45

**To:**

**Subject:** Comms lines for the Street Cones DVD

Hi

Whilst my communications team and colleagues are content for the launch of the Street Cones DVD to go ahead, there are still some concerns regarding preparing lines to take in case there is any negative comeback. Below are some standard lines and Q&A. Can you have a look at let me know whether there is anything else you think might come up as an issue? Can you confirm that you are content with my references to SPS?

I would be grateful for a response by Wednesday if possible.

Thanks.

## **Street Cones HDC Film Project**

### **Top Lines – HDC/EM**

- Scotland can significantly reduce reoffending by better use of electronic tagging and emerging technology.
- Release on HDC will always be at the discretion of the Scottish Prison Service who will take account of the need to protect the public, prevent re-offending and secure successful re-integration into the community.
- HDC gets people back contributing to society and helps re-build relationships with families.
- The more effective use of EM tailored to reflect the needs, risks and circumstances of the individual will allow us to hold people to far greater account during their sentence and focus on rehabilitating them.

### **Lines to take – HDC Film project**

- The DVD has been produced to make information more accessible to those eligible for Home Detention Curfews.
- Families, partners and supervisors of monitored individuals will be better informed about Home Detention Curfews including what's expected of them and the support available.
- The film makes information more accessible to those with literacy needs and learning difficulties.
- Monitored persons will be able to see how electronic monitoring can support their reintegration into the community and promote social activities including employment, education, training and family commitments while maintaining an element of control.

The Scottish Prison Service will launch the DVD in three prisons before rolling out across Scotland.

The DVD will be shown to prisoners eligible for HDC as part of their induction.

## Q & A

### **Q: Why produce a DVD? Do prisoners not already receive information regarding HDC?**

A: The Electronic Monitoring Working Group Report highlighted the need for more accessible information for prisoners to help them understand how electronic monitoring could potentially be used in a positive way to support desistance and of the potential impact of electronic monitoring on their families.

Individuals have the right to access accurate information about HDC. The DVD provides another format which is more accessible for individuals particularly those with literacy needs or learning difficulties.

### **Q: What about victims? This will increase the levels of HDC and potentially put victims at risk.**

A: The safety, wellbeing and protection of victims is essential. The DVD provides information already available in a different format for those eligible for HDC. The process for HDC remains the same. The Scottish Prison Service will continue to take into account the need to protect the public, prevent re-offending and secure successful re-integration into the community.

### **Q: How much did it cost to produce the DVD?**

A: The Scottish Government provided a grant of just over £14k to produce the DVD.

### **Q: How will the DVD be disseminated?**

A: The Scottish Prison Service will launch the DVD in three prisons before rolling out across Scotland. The DVD will be shown to prisoners eligible for HDC as part of their induction.

Community Justice Division  
GWR St Andrew's House, Edinburgh, EH1 3DG  
Tel:



Scottish Government  
Riaghaltas na h-Alba

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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**From:**  
**Sent:** 05 June 2018 08:37  
**To:**  
**Subject:** HDC stats  
**Importance:** High

As discussed, the below is what Neil Rennick has taken from the SPS website. Any further, more recent statistics around HDC that you can provide would be greatly appreciated.

As I mentioned, Cab Sec is appearing in front of the Justice Committee this morning so would be really good to have accurate and up to date stats for that. Apologies for the tight deadline, Cab Sec is appearing at Committee at 10:30 this morning.

Many thanks in advance.

### **HDC - Background**

- At any time there are around 300 people on Home Detention Curfew - As of end May 2018, there were 256 men and 33 women on HDC. [SPS Stats]
- Decisions about HDC are taken by the local prison management, following a risk assessment. There are certain statutory exclusions from HDC – for example prisoners required to register as sex offenders, prisoners with Extended Sentences, etc.
- People who are on HDC may be recalled to prison if they breach the HDC conditions.
- SPS statistics for 2017 (first 10 months) indicated that around 80% of prisoners successfully completed their HDC, whilst around 20% were recalled. [FOI response November 2017]
- There are a range of reasons why someone might breach their HDC and be recalled – e.g. tampering with the equipment; being late in returning; withdrawal of consent by the householder they are staying with.
- Statistics provided to the Scottish Parliament in 2016 indicated that only around 6% of recalls from HDC were due to the person committing another offence whilst on HDC. [Justice Committee – November 2016]

---

**From:**  
**Sent:** 05 June 2018 13:27  
**To:**  
**Cc:** ; Rennick NS (Neil);  
**Subject:** RE: URGENT: FMQ - HDC

Hi

As discussed with the figure for the period 1/6/17 to 1/6/18 is 4.7%.

This figure has been taken from a report which has been run from our prisoner records system. The report contains the reasons for the breach of licence, one of which is "new warrant served". This reason equates for 4.7% of the total breaches of HDC licences.

Thanks

**Calton House**

**From:**  
**Sent:** 05 June 2018 12:31  
**To:**  
**Cc:**  
**Subject:** URGENT: FMQ - HDC  
**Importance:** High

Hi

I know you've already provided with some helpful information on HDC for inclusion in the FMQ and other briefings to Ministers.

I think is at HMP Greenock today and I just wanted to make sure that SPS have had the opportunity to see and comment on the FMQ note – with apologies, the deadline for me to get this to FMQ team is 2:30 today so I'd be grateful for your feedback by 2pm if at all possible.

I've attached the current draft. I'd be particularly grateful for your confirmation that the stats quoted in this note are accurate. In particular, can you confirm the statistic that only around 6% of people on HDC commit another offence while on the order?

Thanks very much – please give me a ring if you need to discuss this. I'm on

Thanks

---

**From:**  
**Sent:** 05 June 2018 11:49  
**To:** Rennick NS (Neil); MacKinnon D (Donna); Bell D (Donna); Russell GE (Gillian);  
**Cc:**  
**Subject:** FMQ - HDC  
**Importance:** High

All,

I've pulled together an FMQ note on the HDC case following the media coverage and pick up at Committee. I'd be grateful if you could let me know if you're content for your interests. I've to get this back to ET hub by 2:30pm so your response by **1:30pm** would be much appreciated. Apologies for the tight deadline.

**Gillian/Donna B** – please let me know if there is someone else in your area I should be liaising with.

– Grateful if you can confirm via email if the stats quoted in the note are accurate and the most up to date. I'll add more detail on the footnote with regards to source.

I'm working from home today so best number to get me on is

Thanks

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile.

Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

**From:**  
**Sent:** 05 June 2018 13:36  
**To:**  
**Subject:** RE: URGENT: FMQ - HDC

Will do. Just on the phone.

---

**From:**  
**Sent:** 05 June 2018 13:35  
**To:**  
**Subject:** RE: URGENT: FMQ - HDC

Can you give me a ring when you have a moment

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**From:**  
**Sent:** 05 June 2018 13:14  
**To:**  
**Cc:** [Neil.Rennick@scotland.gsi.gov.uk](mailto:Neil.Rennick@scotland.gsi.gov.uk)  
**Subject:** RE: URGENT: FMQ - HDC

Thank you . Much appreciated.

---

**From:**  
**Sent:** 05 June 2018 13:13  
**To:**  
**Cc:** Rennick NS (Neil),  
**Subject:** RE: URGENT: FMQ - HDC

Further to our conversation we will be sending separately our rationale and workings for the figures.

---

**From:**  
**Sent:** 05 June 2018 12:31  
**To:**  
**Cc:** [REDACTED]  
**Subject:** URGENT: FMQ - HDC  
**Importance:** High

Hi

I know you've already provided [redacted] with some helpful information on HDC for inclusion in the FMQ and other briefings to Ministers.

I think [redacted] is at HMP Greenock today and I just wanted to make sure that SPS have had the opportunity to see and comment on the FMQ note – with apologies, the deadline for me to get this to FMQ team is 2:30 today so I'd be grateful for your feedback by **2pm** if at all possible.

I've attached the current draft. I'd be particularly grateful for your confirmation that the stats quoted in this note are accurate. In particular, can you confirm the statistic that only around 6% of people on HDC commit another offence while on the order?

Thanks very much – please give me a ring if you need to discuss this. I'm on

Thanks

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**From:** [redacted]  
**Sent:** 05 June 2018 11:49  
**To:** Rennick NS (Neil); MacKinnon D (Donna); [redacted]; Bell D (Donna); Russell GE (Gillian);  
**Cc:** [redacted]  
**Subject:** FMQ - HDC  
**Importance:** High

All,

I've pulled together an FMQ note on the [redacted] HDC case following the media coverage and pick up at Committee. I'd be grateful if you could let me know if you're content for your interests. I've to get this back to ET hub by 2:30pm so your response by **1:30pm** would be much appreciated. Apologies for the tight deadline.

**Gillian/Donna B** – please let me know if there is someone else in your area I should be liaising with.

[redacted] – Grateful if you can confirm via email if the stats quoted in the note are accurate and the most up to date. I'll add more detail on the footnote with regards to source.

I'm working from home today so best number to get me on is

Thanks

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**From:**  
**Sent:** 05 June 2018 15:25  
**To:**  
**Cc:**  
**Subject:** RE: OFFICIAL: CSJ on joint inspectorate review of HDC assessment and breach processes [OFFICIAL]

Thanks.

We gave the following to PA, although they've used Cab Sec comment's from the Committee in their piece (see below our release).

Rgds,

**MATHESON INSTRUCTS INSPECTORATE REVIEW OF HOME DETENTION CURFEW PROCESSES**

**Cabinet Secretary for Justice Michael Matheson has asked HM Chief Inspector of Prisons and HM Chief Inspector of Constabulary to review the processes for assessing whether someone should be placed on home detention curfew, and also the process for investigating breaches of HDC terms and apprehending those individuals.**

**Mr Matheson has requested the independent assurance review following the sentencing yesterday of James Wright for the murder of Craig McClelland in Paisley.**

**Wright, who has begun a life sentence which includes a minimum of 20 years in custody, had committed the crime while unlawfully at large following a breach of his Home Detention Curfew (HDC).**

**The Cabinet Secretary for Justice said:**

**“Our thoughts are with Mr McClelland’s family. This was a dreadful crime and I note the sentence imposed on the individual responsible for it.**

**“Under the legislation approved by Parliament, decisions on whether or not to grant HDC rest with the Scottish Prison Service following a risk assessment, which includes a report from local authority criminal justice social workers.**

**“If a prisoner released on an HDC licence breaches any of the licence conditions, he or she may be recalled to custody by the SPS based on evidence of a breach supplied by the electronic monitoring company, criminal justice social work or the police.**

**“As I have said, this is clearly an appalling and exceptional case which raises a number of important questions that need to be considered.**

**“That is why I have asked both HM Chief Inspector of Prisons and HM Chief Inspector of Constabulary to determine whether there are further aspects that can be improved in how they make assessments determining whether someone should be provided with a detention curfew, and also to look at whether there are ways in which police process for investigating such breaches and apprehending individuals who have breached a HDC are apprehended.**

**“The Inspectorates will report directly to Ministers and after that, we will determine whether there are any further actions to be taken.”**

Background:

- Home Detention Curfew (HDC) is an established part of the process of preparing people for full release back to the community and operated across the UK. It was introduced in Scotland in 2006, initially for short term prisoners (those sentenced to less than 4 years in custody). HDC is not an entitlement and prisoners are only eligible if they are considered at low risk of reoffending.
- Certain categories of offenders are automatically excluded by statute from inclusion in the scheme, e.g. sex offenders or those given an extended sentence.
- When considering the release on HDC of a prisoner, consideration must be given to protecting the public at large; preventing re-offending by the prisoner; and securing the successful reintegration of the prisoner into the community.
- The HDC licence includes the standard conditions, a curfew condition and any non-standard licence conditions considered appropriate by the SPS and local authority criminal justice social workers.
- At any time there are around 300 people on Home Detention Curfew – as of end May 2018, there were 263 men and 34 women on HDC.
- SPS statistics for 2017 indicated that around 80% of prisoners successfully completed their HDC, whilst around 20% were recalled.
- There are a range of reasons why someone might breach their HDC and be recalled – e.g. tampering with the equipment; being late in returning; withdrawal of consent by the householder they are staying with.
- SPS HDC statistics covering the period June 2017-June 2018 indicate that only around 4.7% of recalls from HDC were due to the person committing another offence whilst on HDC.

:: PA

## **WATCHDOGS TO CARRY OUT REVIEW AFTER CURFEW BREACH KILLING**

Police and prison watchdogs are to carry out a review after a man stabbed a father-of-three to death following a breach of his home detention curfew.

James Wright was "unlawfully at large" when he killed Craig McClelland, of Foxbar, Paisley, Renfrewshire, in July last year.

Justice Secretary Michael Matheson said the "appalling" case raised a number of questions which both he and Mr McClelland's family wanted answers to.

He told Holyrood's Justice Committee: "In order to look at this issue thoroughly, I have asked both HM Inspectorate of Prisons and HM Inspectorate of Constabulary to look at the case to determine whether there are further aspects that can be improved in how they make assessments in determining whether someone should be provided with home detention curfew.

"Secondly, to look at whether there are ways in which the police process for investigating such breaches and apprehending individuals who have breached a home detention curfew, that they are brought to account and apprehended.

"They will report directly to me and once we have those reports we can determine whether there are any further actions that need to be taken."

The case was raised by Paisley MSP George Adam during a committee session looking at new laws to expand the use of electronic tagging.

Conservative MSP Liam Kerr said: "I think people will be looking at this committee where we are looking at electronic monitoring ... and be very concerned to see us looking at a Bill which could increase the prevalence of convicted criminals in the community."

Mr Matheson said provisions around home detention curfew had been in place since 2006.

"What the provisions in this Bill will allow us to do is to use an extended form of electronic monitoring which we don't have at the present moment," he said.

He said the expansion would allow individuals on orders such as home detention curfew to be monitored more effectively, including through the use of GPS.

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Scottish Government |

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**From:**  
**Sent:** 05 June 2018 14:27  
**To:**  
**Cc:**  
**Subject:** RE: OFFICIAL: CSJ on joint inspectorate review of HDC assessment and breach processes [OFFICIAL]

**OFFICIAL**

Thanks  
We've had another enquiry from The Sun around what we did to find  
is dealing with it and will let you see what we're saying.  
Regards

Police Scotland  
Tel:

---

**From:**  
**Sent:** 05 June 2018 13:52  
**To:**  
**Cc:**  
**Subject:** OFFICIAL: CSJ on joint inspectorate review of HDC assessment and breach processes

## OFFICIAL

Hello,

As discussed this morning, at Justice Committee Mr Matheson announced that he is asking HM Inspectors for Prison and for Constabulary to undertake a review of HDC processes (*risk assessment and post-breach*) in light of the Wright sentencing yesterday.

Below is a colleague's quick transcript of Mr Matheson's relevant comments in Committee. We are directing broadcast to his committee remarks and finalising a more expanded statement about the case for PA, which incls reference to the review of processes – for risk-assessing prisoners for HDC and for handling of breaches, incl process for apprehending.

We will share once ready. Hope this is helpful for now

“... This is clearly an appalling case, and raises a number of questions which I can understand the family want answers to and I want answers to as well. In particular there are two aspects from this case relating to what I can see at this stage relating to the assessment process determining the decision to allow this individual to receive home detention curfew. The second element is the period of time after there had been a breach of that detention curfew for the investigation into his apprehension as well. So it's important that we do ensure that answers are provided as to how this particular case has been handled and both of those aspects. The assessment made by the SPS in making that determination in the first place, and secondly the police handling of the matter. In order to look at this issue thoroughly I've asked both the Inspector of Prisons and the inspector of constabulary to look at the case and determine whether there are further aspects that can be improved in how they make assessments determining whether someone should be provided with a detention curfew, and secondly to look at whether there are ways in which police process for investigating such breaches and apprehending individuals that have breached a HDC are brought to account and apprehended, and they'll report directly to me and once we have those reports we can determine whether there are any further actions to be taken.

*(following Q re EM)*

“Provisions around home detention curfew are provided for in previously legislation that's been in place since 2006. One of the provisions this bill will allow us to do is to use an extended form of monitoring in a way which we have at the present moment for example for someone whos on home detention curfew we'll be able to use GPS monitoring instead what we have at the present time. What the bill actually does in terms of extending the provision of EM it provides an extension to 3 areas where individuals have orders. Community payback orders, so someone who presently may be receiving a community payback order, the court will also have the power to electronically monitor them. The second area where it will be able to extend EM is to someone who may be on a sexual offences prevention order, which we can't electronically monitor at present and the moment, extended provisions to allow these individuals to be electronically monitored, and thirdly those who may be on sexual prevention, sexual harm orders, that we can't EM at present moment, it extends provision to allow us to EM these individuals. So the purpose behind this legislation is to allow a greater framework around EM, to make sure those who are on orders can be placed in the community that it gives us a much clearer structure around the monitoring of them and the use of electronic monitoring as part of that, and allows us to extend into areas where individuals who are on such orders cannot presently be monitored will allow us to do that effectively if parliament allows us to do that. Importantly with GPS monitoring which the committee have given some level of detail to significantly greater than the existing radio-based system we currently have. What I can say is that the bill will give us a clearer structure around electronic monitoring issues and extend into areas where we don't have it at present, and ensure we have appropriate measures in the community. But to come back to the point I was making to George Adam in relation to this specific case, I want reassurance around the way in which the SPS have assessed this individual and the way in which Police Scotland have investigated the breach once it had been reported to them, and it's right that the family are having their questions answered and I hope the assurance review which is being carried out by HMIP and HMICS will be able to give us those answers and the assurance we're looking for around both aspects of the process that led to this case.”

Updates from SG Justice & Safer Communities @ScotGovJustice

I work Mon (AM), Tues-Fri. Monday PM, call landline above for colleagues. Outwith office hours leave details of urgent queries on 0131 556 8400.

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S ann a-mhàin airson an neach-uidhe a tha e. Mura tusa an neach-uidhe no mura h-eil dleastanas ort a chur air adhart chun an neach-uidhe, thathar le seo a leigeil fios dhut gu bheil e toirmisgte am post-d seo a chleachdadh air dòigh sam bith, no fhoillseachadh, no sgrùdadh, no sgaoileadh, no riarachadh, no lethbhreac a dh'anamh dheth.

Ma th'innig am post-d seo thugad le mearachd, leig fios sa bhàd chun an neach a sgaoil e, a chleachdadh a ghoireis fhreagairt ann am bathar-bog a phuist-d agad no le fios a chur gu POILEAS ALBA air 101 agus cuir s dhan phost-d.

**From:**  
**Sent:** 07 June 2018 14:49  
**To:**  
**Subject:** FW: Review of Home Detention Curfew processes

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**From:**  
**Sent:** 07 June 2018 14:48  
**To:**  
**Cc:**  
**Subject:** FW: Review of Home Detention Curfew processes

Can you give me a quick call pls?

---

Scottish Government |

**From:**  
**Sent:** 07 June 2018 14:40  
**To:**  
**Subject:** Re: Review of Home Detention Curfew processes

Hi yes just wanted to clarify something in the figs Nicola Sturgeon shared with MSPs at FMQs. She said there have been 21,000 HDCs since the system started in 2006 - and of this 0.3% are "currently unlawfully at large." That's 63 by by calculations. She also said there are about 300 HDCs in operation at one time in Scotland. I just want to clarify one thing - are the 63 part of the 300, or over and above this?  
cheers Scott

On 7 June 2018 at 14:33, < > wrote:  
Hi

said you'd a query post-FMQs about data on breaches. Most of this comes from SPS, but happy to discuss.

You may be following the miners' statement, so call me when convenient.

---

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----- Updates from SG Justice & Safer Communities @ScotGovJustice -----  
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Cabinet Secretary for Justice  
Michael Matheson MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000  
E: scottish.ministers@gov.scot

DCC Iain Livingstone  
Police Scotland

By e-mail

8 June 2018

Dear Iain,

**Review of the process for apprehending individuals following revocation of their Home Detention Curfew licence**

Following the tragic events that led to the recent conviction of Mr James Wright for murder, an offence he committed following his release on Home Detention Curfew (HDC) in February 2017, I have directed Her Majesty's Chief Inspector of Constabulary in Scotland under section 74(1) of the Police and Fire Reform (Scotland) Act 2012, to undertake a strategic review of the process for apprehending and returning individuals to custody in circumstances where their HDC licence has been revoked.

I would expect this review to provide an independent assessment of the operation and safeguards Police Scotland has put in place for apprehending individuals who have breached their HDC terms.

I have also asked HM Chief Inspector of Prisons for Scotland to investigate the process adopted within the Scottish Prison Service for assessing applications for Home Detention Curfew.

It is important not to pre-empt either the HMCICS review or the HMCIPS investigation and to allow both independent inspectorates to conclude their enquiries in order to establish the facts and make recommendations for improvement. I believe this work will assist in providing assurance to Ministers, the Parliament and the public.

**MICHAEL MATHESON**

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St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



**From:**  
**Sent:** 19 June 2018 08:27  
**To:**  
**Cc:**  
**Subject:** FW: Meeting with [redacted] and Constituents

Hi

I just wanted to make you aware that Cab Sec is meeting with [redacted] family next Tuesday (you'll recall that [redacted] was killed by [redacted] whilst he was UAL following a period of HDC). This meeting is at the request of the [redacted] family's MSP

I'm probably going to provide official support at this meeting. [redacted] is co-ordinating the briefing so please let her know if there is anything you want to add from an SPS perspective, either as background or as a line to take.

Thanks

---

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Justice  
**Sent:** 18 June 2018 15:42  
**To:**  
**Cc:** Cabinet Secretary for Justice  
**Subject:** Meeting with [redacted] and Constituents

Hi All,

As discussed on the phone with [redacted] Mr Matheson will be meeting with [redacted] and the family of [redacted] ([redacted] is the family's constituency MSP). We are still looking to firm up a date with his office but it will be next week (likely to be Tuesday afternoon). I would be grateful if some briefing can be prepared and sent to us by 4pm on Monday. The meeting is likely to be in Parliament but I will confirm final details and send a diary invite out once they are confirmed.

Thanks,

Office of Michael Matheson, Cabinet Secretary for Justice

Scottish Government, [redacted], St Andrew's House, Regent Road, Edinburgh, EH1 3DG |  
[CabinetSecretaryforJustice@gov.scot](mailto:CabinetSecretaryforJustice@gov.scot) | [www.gov.scot](http://www.gov.scot) |

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**From:**  
**Sent:** 27 June 2018 14:01  
**To:**  
**Cc:**  
**Subject:** Fw: OFFICIAL SENSITIVE - HDC FOI's

Hi both,

As discussed with [redacted] highlighted the FOI case which refers to length of time people have been unlawfully at large to Police Division colleagues here.

As you'll see, they've suggested that you contact Police Scotland to make them aware of this FOI and to see what action can be taken.

Can you please get in touch with [redacted]? I'm down at Parliament for a meeting just now but will be back later if you want to have a chat about this.

Thanks very much

Sent from my BlackBerry 10 smartphone.

---

**From:**  
**Sent:** Wednesday, 27 June 2018 13:11  
**To:**  
**Cc:** MacKinnon D (Donna);  
**Subject:** RE: OFFICIAL SENSITIVE - HDC FOI's

As discussed, we absolutely agree that Police Scotland should be made aware of this proposed FOI release as soon as possible, and certainly before it issues. However, as its their release, it's probably most appropriate for SPS to make Police Scotland aware. SPS will wish to liaise with Police Scotland re the handling of any media requests related to this request and to seek any clarity required around the police role in reviewing those cases where individuals have been UAL for a significant period.

Our normal contact at Police Scotland is [redacted] in the [redacted] is usually best contacted via the [redacted] email inbox at Police Scotland but can also be contacted by phone on Tel: [redacted] Mob: [redacted] He's in Edinburgh today, so probably best to use his mobile number if trying to contact by phone.

Thanks

Police Division  
Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

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**From:**  
**Sent:** 05 July 2018 12:10  
**To:**  
**Subject:** FOI due 16 July  
**Attachments:** Response HQ 18053 (003).doc

As discussed please find attached draft FOI response.

**Calton House**



HEADQUARTERS  
Calton House  
5 Redheughs Rigg  
Edinburgh  
EH12 9HW

Our Ref: HQ 18053

xx 2018

Dear

### FREEDOM OF INFORMATION REQUEST

Thank you for your recent freedom of information request, which was received on 29 May 2018 and further clarification received on 18 June 2018. This gives a statutory deadline for responding of 16 July 2018 under the terms of the Freedom of Information (Scotland) Act 2002.

You asked the following, and for ease of reference I have copied your original request for information (RFI) as follows.

1. RFI – For each of the latest three available financial years, and if possible broken down by licence type granted – (a) the number of offenders released from prison on licence during the year. (b) the number of offenders from part (a) that were subsequently recalled to custody within a year of their release.
2. RFI – For each of the latest three available financial years, and if possible broken down by licence type granted – (a) the number of times an offender was released from prison on licence during the year. (b) the number of times an offender on licence was recalled to custody during the year.

Clarified as ‘Please provide the information only for the licence/release types for which SPS hold the data’. The only licence type that the SPS tracks is Home Detention Curfew (HDC)

In response to **RFIs 1 & 2** ; having completed our search of all electronic and paper records held by the SPS I can confirm at the time of searching the following information is held

Year	Number of Individuals	Number of HDC Releases	Number of Recalls
2017/2018	1434	1452	300
2016/2017	1381	1397	241
2015/2016	1449	1465	222

\*Note, an individual can be released successfully on more than one occasion during the same financial year hence the higher number of HDC releases versus the number of individuals.

If you are dissatisfied with this response, you have the right to request a review. Your request should be made within 40 working days of the date of receipt of this letter and we will reply within 20 working days of receiving your request. Under section 20(3) (c) (ii) of the Act your request should outline your reason for seeking a review. If our decision is unchanged following a

review and you remain unsatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review of our decision to be carried out, please write to Colin McConnell, Chief Executive, Scottish Prison Service, Calton House, Redheughs Rigg, Edinburgh EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

I trust this information is helpful.

Yours sincerely

---

**From:**  
**Sent:** 16 July 2018 17:08  
**To:**  
**Cc:**  
**Subject:** RE: Home detention curfews [OFFICIAL: NAMED RECIPIENTS ONLY]

Thanks

Copying in my team colleague , and my Newsdesk colleague who also provided them w comment.

---

\*\* Sent by BlackBerry \*\*

---

**From:**  
**Sent:** 16 Jul 2018 16:38  
**To:**  
**Subject:** Home detention curfews [OFFICIAL: NAMED RECIPIENTS ONLY]

**OFFICIAL: NAMED RECIPIENTS ONLY**

Hi

FYI, the Scottish Prison Service responded to an FOI from the Daily Mail on the above issue.

We have been asked for a comment and are going back to the Mail with the following response.

Best wishes

said: "We work closely with the Scottish Prison Service which has responsibility for notifying Police Scotland when individuals have breached their home detention curfews. "We have procedures in place to assess each case where a home detention curfew has been breached and thereafter we locally put mechanisms in place to bring these individuals back into custody. "The overwhelming majority of those who are reported as being unlawfully at large are arrested and returned to custody within a short time-frame. "Where an individual remains unlawfully at large, ongoing enquiries are undertaken by local police officers to establish their exact whereabouts. There are however a small number of individuals who have been unlawfully at large for an extended period of time and we continue to actively pursue those individuals. "We are liaising with HMICS on its review into the processes around home detention curfews and look forward to their findings."

ends

Police Scotland  
Clyde Gateway, 2 French Street,  
Dalmarnock, Glasgow, G40 4EH  
Tel:  
Corporate Communications:  
Email:  
Team email: :  
Website: [www.scotland.police.uk](http://www.scotland.police.uk)  
Twitter: @policescotland  
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Mura tusa an neach-uidhe no mura h-eil dleastanas ort a chur air adhart chun an neach-uidhe, thathar le seo a? leigeil fios dhut gu bheil e toirmisgte am post-d seo a chleachdadh air dh?igh sam bith, no fhoillseachadh, no sgr?dadh, no sgaoileadh, no riarachadh, no lethbhreac a dh?anamh dheth.

Ma th?inig am post-d seo thugad air mhearachd, leig fios sa bhad chun an neach a sgaoil e agus cuir ?s dhan phost-d.

**From:**  
**Sent:** 05 June 2018 10:02  
**To:**  
**Cc:**  
**Subject:** RE: HDC stats  
**Attachments:** Document1.docx; Copy of SPS O2 Mobile Estate - HQ Comms (5469686).xlsx; HDC recalls and breaches 1-6-17 to 1-6-18.xlsx

As discussed.

**From:**  
**Sent:** 05 June 2018 09:40  
**To:**  
**Subject:** RE: HDC stats  
**Importance:** High

I am pulling together a Q&A for Cab Sec which includes some of the info below. Grateful if you could add in / check the relevant stats (I have highlighted them in yellow for ease). Ignore the police related ones, we are working on them.

Thank you so much for your help!!

---

**From:**  
**Sent:** 05 June 2018 08:37  
**To:**  
**Subject:** HDC stats  
**Importance:** High

As discussed, the below is what Neil Rennick has taken from the SPS website. Any further, more recent statistics around HDC that you can provide would be greatly appreciated.

As I mentioned, Cab Sec is appearing in front of the Justice Committee this morning so would be really good to have accurate and up to date stats for that. Apologies for the tight deadline, Cab Sec is appearing at Committee at 10:30 this morning.

Many thanks in advance.

## HDC - Background

At any time there are around 300 people on Home Detention Curfew - As of end May 2018, there were 256 men and 33 women on HDC. [SPS Stats]

Decisions about HDC are taken by the local prison management, following a risk assessment. There are certain statutory exclusions from HDC – for example prisoners required to register as sex offenders, prisoners with Extended Sentences, etc.

People who are on HDC may be recalled to prison if they breach the HDC conditions.

SPS statistics for 2017 (first 10 months) indicated that around 80% of prisoners successfully completed their HDC, whilst around 20% were recalled. [FOI response November 2017]

There are a range of reasons why someone might breach their HDC and be recalled – e.g. tampering with the equipment; being late in returning; withdrawal of consent by the householder they are staying with.

Statistics provided to the Scottish Parliament in 2016 indicated that only around 6% of recalls from HDC were due to the person committing another offence whilst on HDC. [Justice Committee – November 2016]

Community Justice Division

GWR | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | T:

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## **PRESS REPORTS ON THE SENTENCING OF HOME DETENTION CURFEW (HDC) BREACH AND MURDER OF**

**TOP LINE:** HDC is not an entitlement and prisoners are only eligible if they are considered at low risk of reoffending and have not previously breached HDC.

### **BACKGROUND OF CASE**

- [REDACTED] was released on Home Detention Curfew (HDC) on 13 February 2017. He was serving a 21 month sentence for possession of knife (a short term sentence).
- His HDC licence was revoked on 24 February 2017 as he had removed the electronic tagging device. The Force Intelligence Bureau of Police Scotland were notified of the revocation of [REDACTED]'s HDC licence on 24 February 2017 and he was consequently unlawfully at large from that date.
- On 23 July 2017, while unlawfully at large, [REDACTED] murdered [REDACTED] in Foxbar, Paisley.
- [REDACTED] was today (4 June 2018) sentenced to life in prison with a punishment part of 20 years for murder of [REDACTED].

### **BACKGROUND OF HDC**

- HDC was introduced in 2006 initially for short term prisoners (those sentenced to less than 4 years in custody).
- In March 2008, the maximum duration of HDC was extended from 4 and a half months to 6 months and the scheme was also extended to long term prisoners (those sentenced to 4 or more years in custody) in cases where the Parole Board has recommended release on parole at the parole qualifying date (ie the half way stage of their sentence).
- HDC is not an entitlement and prisoners are only eligible if they are considered by SPS at low risk of reoffending.
- Certain categories of offenders are automatically excluded by statute from inclusion in the scheme, e.g. sex offenders, those given an extended sentence.
- All eligible prisoners will be subject to a robust risk assessment process undertaken by the Scottish Prison Service which will take due account of a community assessment report provided by local authority criminal justice social work.

- When considering the release on HDC of a prisoner, consideration must be given to protecting the public at large; preventing re-offending by the prisoner; and securing the successful reintegration of the prisoner into the community.
- The HDC licence includes the standard conditions, a curfew condition and any non-standard licence conditions considered appropriate by the Scottish Prison Service and the local authority criminal justice social workers.

### **SUGGESTED LINES TO TAKE**

- The decision to grant HDC rests with the Scottish Prison Service. A risk assessment is undertaken, which includes a report from local authority criminal justice social workers.
- At the time [redacted] was serving a 21 month sentence for possession of knife, which is a short sentence in keeping with the index offence.
- After [redacted] breached his HDC conditions (by cutting off his tag), his licence was revoked and he was reported to the police as being unlawfully at large. Nearly 6 months later, while still unlawfully at large, he murdered [redacted].  
The police handling of this case is an operational matter.

### **Q&A – HDC**

#### **What are the procedures for deciding who is eligible for HDC?**

- Decisions about HDC are taken by the local prison management, following a risk assessment. There are certain statutory exclusions from HDC – for example prisoners required to register as sex offenders, prisoners with Extended Sentences, etc.

#### **How many people are released on HDC at any time?**

- At any time there are around 300 people on Home Detention Curfew - As of end May 2018, there were 263 men and 34 women on HDC. [SPS Stats]

#### **How many people breach HDC?**

- SPS statistics for 2017 indicated that around 80% of prisoners successfully completed their HDC, whilst around 20% were recalled.
- There are a range of reasons why someone might breach their HDC and be recalled – e.g. tampering with the equipment; being late in returning; withdrawal of consent by the householder they are staying with.

#### **How many people released on HDC go on to commit further crimes whilst on HDC?**

- Statistics provided to the Scottish Parliament in 2016 indicated that only around 6% of recalls from HDC were due to the person committing another offence whilst on HDC. [Justice Committee – November 2016]

### **What happens when someone breaches their HDC conditions?**

- If a prisoner released on HDC licence fails to comply with any condition of their licence, SPS on behalf of Scottish Ministers may revoke the licence and instruct the prisoner to return to custody or the SPS may recall the person to prison.
- In practice, the decision will be made by the relevant prisoner governor. The decision to revoke the licence and issue an order for recall will be based on the evidence before the SPS and in particular from the Electronic Monitoring service provider.
- The order for recall will be sent to Police Scotland for enforcement.
- If an offender is recalled, they cannot be re-released by the SPS unless the offender makes a successful appeal to the Parole Board for Scotland.
- Where someone breaches their HDC action is taken to recall them to custody. [MORE ON POLICE ROLE]

### **How many people have breached HDC and are currently at large?**

There are currently 57 people at large who have been recalled from HDC.

Prison population by custody type, sex and age group (Friday): April 2014 onwards

	04-Apr-14	11-Apr-14	18-Apr-14	25-Apr-14	02-May-14	09-May-14	16-May-14	23-May-14	30-May-14	06-Jun-14	13-Jun-14	20-Jun-14	27-Jun-14	04-Jul-14	11-Jul-14	18-Jul-14
<b>Population in custody</b>	<b>7,778</b>	<b>7,792</b>	<b>7,695</b>	<b>7,770</b>	<b>7,775</b>	<b>7,768</b>	<b>7,777</b>	<b>7,812</b>	<b>7,849</b>	<b>7,819</b>	<b>7,809</b>	<b>7,827</b>	<b>7,819</b>	<b>7,832</b>	<b>7,859</b>	<b>7,888</b>
Untried (including persons awaiting deportation)	1,225	1,277	1,238	1,295	1,276	1,280	1,284	1,292	1,288	1,290	1,278	1,314	1,308	1,331	1,355	1,309
Convicted awaiting sentence	250	239	240	223	251	245	249	237	259	235	227	230	237	237	241	231
Sentenced (including recalled lifers and civil prisoners)	6,303	6,276	6,217	6,252	6,248	6,263	6,264	6,283	6,302	6,294	6,304	6,283	6,274	6,264	6,293	6,348
<b>Women</b>	<b>415</b>	<b>421</b>	<b>417</b>	<b>421</b>	<b>445</b>	<b>441</b>	<b>454</b>	<b>446</b>	<b>440</b>	<b>439</b>	<b>435</b>	<b>425</b>	<b>427</b>	<b>436</b>	<b>444</b>	<b>439</b>
Untried (including persons awaiting deportation)	84	85	86	84	94	85	91	78	71	75	72	74	73	83	87	68
Convicted awaiting sentence	25	26	27	30	26	24	29	31	37	31	28	26	25	29	30	33
Sentenced (including recalled lifers and civil prisoners)	306	310	304	307	325	332	334	337	332	333	335	325	328	324	327	338
<b>Men</b>	<b>7,363</b>	<b>7,371</b>	<b>7,278</b>	<b>7,349</b>	<b>7,330</b>	<b>7,347</b>	<b>7,323</b>	<b>7,366</b>	<b>7,409</b>	<b>7,380</b>	<b>7,374</b>	<b>7,402</b>	<b>7,392</b>	<b>7,396</b>	<b>7,415</b>	<b>7,449</b>
Untried (including persons awaiting deportation)	1,141	1,192	1,152	1,211	1,182	1,195	1,173	1,214	1,217	1,215	1,206	1,240	1,235	1,248	1,241	1,241
Convicted awaiting sentence	225	213	213	193	225	221	220	206	222	204	199	204	211	208	211	198
Sentenced (including recalled lifers and civil prisoners)	5,987	5,966	5,913	5,945	5,923	5,931	5,930	5,946	5,970	5,961	5,969	5,958	5,948	5,940	5,956	6,010
<b>Under-16 (total)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>16-17</b>	<b>57</b>	<b>68</b>	<b>68</b>	<b>70</b>	<b>72</b>	<b>71</b>	<b>69</b>	<b>64</b>	<b>59</b>	<b>60</b>	<b>60</b>	<b>67</b>	<b>66</b>	<b>62</b>	<b>66</b>	<b>60</b>
Untried (including persons awaiting deportation)	23	28	25	28	24	25	20	20	16	21	20	17	16	13	20	17
Convicted awaiting sentence	9	13	14	10	13	9	9	6	8	5	6	13	14	14	11	8
Sentenced (including recalled lifers and civil prisoners)	25	27	29	32	35	37	40	38	35	34	34	37	36	35	35	35
<b>18-20</b>	<b>450</b>	<b>453</b>	<b>442</b>	<b>445</b>	<b>430</b>	<b>451</b>	<b>440</b>	<b>454</b>	<b>439</b>	<b>433</b>	<b>431</b>	<b>426</b>	<b>424</b>	<b>424</b>	<b>425</b>	<b>432</b>
Untried	96	97	93	105	105	116	113	123	103	100	92	88	88	89	81	89
Convicted awaiting sentence	32	35	39	33	32	34	34	40	38	38	37	38	37	30	41	38
Sentenced (including recalled lifers and civil prisoners)	322	321	310	306	293	301	293	291	298	295	302	300	301	305	303	305
<b>21 and over</b>	<b>7,271</b>	<b>7,271</b>	<b>7,185</b>	<b>7,255</b>	<b>7,273</b>	<b>7,266</b>	<b>7,268</b>	<b>7,294</b>	<b>7,351</b>	<b>7,326</b>	<b>7,318</b>	<b>7,334</b>	<b>7,327</b>	<b>7,346</b>	<b>7,368</b>	<b>7,396</b>
Untried (including persons awaiting deportation)	1,106	1,152	1,120	1,161	1,147	1,139	1,131	1,149	1,169	1,169	1,166	1,209	1,204	1,229	1,234	1,203
Convicted awaiting sentence	209	191	187	180	206	202	205	191	213	192	184	179	186	193	189	185
Sentenced (including recalled lifers and civil prisoners)	5,956	5,928	5,878	5,914	5,920	5,925	5,931	5,954	5,969	5,955	5,968	5,946	5,937	5,924	5,945	6,008
<b>Population on home detention curfew</b>	<b>332</b>	<b>333</b>	<b>335</b>	<b>341</b>	<b>334</b>	<b>351</b>	<b>359</b>	<b>358</b>	<b>361</b>	<b>352</b>	<b>353</b>	<b>344</b>	<b>355</b>	<b>360</b>	<b>338</b>	<b>344</b>
Women	41	38	40	37	35	35	36	32	38	39	37	39	36	34	32	30
Men	291	295	295	304	299	316	324	326	323	313	316	305	319	326	306	314

Source: Scottish Prison Service PPS2 management information system

Notes:

1. The population in custody **excludes** prisoners released on home detention curfew.

**Prison population by custody type, sex and age group (Friday): April 2014 onwards**

	25-Jul-14	01-Aug-14	08-Aug-14	15-Aug-14	22-Aug-14	29-Aug-14	05-Sep-14	12-Sep-14	19-Sep-14	26-Sep-14	03-Oct-14	10-Oct-14	17-Oct-14	24-Oct-14	31-Oct-14	07-Nov-14
<b>Population in custody</b>	<b>7,845</b>	<b>7,812</b>	<b>7,848</b>	<b>7,840</b>	<b>7,828</b>	<b>7,844</b>	<b>7,784</b>	<b>7,785</b>	<b>7,800</b>	<b>7,751</b>	<b>7,763</b>	<b>7,755</b>	<b>7,731</b>	<b>7,734</b>	<b>7,724</b>	<b>7,712</b>
Untried (including persons awaiting deportation)	1,324	1,339	1,347	1,335	1,359	1,338	1,303	1,333	1,315	1,309	1,284	1,264	1,299	1,331	1,342	1,315
Convicted awaiting sentence	228	215	236	251	260	258	248	250	243	239	227	241	237	218	209	231
Sentenced (including recalled lifers and civil prisoners)	6,293	6,258	6,265	6,254	6,209	6,248	6,233	6,202	6,242	6,203	6,242	6,250	6,195	6,185	6,173	6,166
<b>Women</b>	<b>442</b>	<b>439</b>	<b>444</b>	<b>441</b>	<b>435</b>	<b>429</b>	<b>423</b>	<b>428</b>	<b>428</b>	<b>426</b>	<b>426</b>	<b>432</b>	<b>423</b>	<b>423</b>	<b>424</b>	<b>424</b>
Untried (including persons awaiting deportation)	70	69	89	72	69	67	65	78	70	74	75	78	77	80	84	76
Convicted awaiting sentence	31	28	34	33	33	25	25	27	31	31	23	23	24	19	21	22
Sentenced (including recalled lifers and civil prisoners)	341	342	341	336	333	337	333	323	327	321	328	331	322	324	319	326
<b>Men</b>	<b>7,403</b>	<b>7,373</b>	<b>7,404</b>	<b>7,399</b>	<b>7,393</b>	<b>7,415</b>	<b>7,361</b>	<b>7,357</b>	<b>7,372</b>	<b>7,325</b>	<b>7,327</b>	<b>7,323</b>	<b>7,308</b>	<b>7,311</b>	<b>7,300</b>	<b>7,288</b>
Untried (including persons awaiting deportation)	1,254	1,270	1,276	1,263	1,290	1,271	1,238	1,255	1,245	1,235	1,209	1,186	1,222	1,251	1,258	1,239
Convicted awaiting sentence	197	187	201	218	227	233	223	223	212	208	204	218	213	199	188	209
Sentenced (including recalled lifers and civil prisoners)	5,952	5,916	5,925	5,918	5,876	5,911	5,900	5,879	5,915	5,882	5,914	5,919	5,873	5,861	5,854	5,840
<b>Under 16 (total)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>16-17</b>	<b>66</b>	<b>68</b>	<b>69</b>	<b>63</b>	<b>63</b>	<b>62</b>	<b>62</b>	<b>68</b>	<b>67</b>	<b>68</b>	<b>63</b>	<b>63</b>	<b>60</b>	<b>55</b>	<b>52</b>	<b>51</b>
Untried (including persons awaiting deportation)	21	23	23	18	19	19	19	21	25	25	27	27	26	23	19	24
Convicted awaiting sentence	9	7	12	10	11	12	11	8	6	6	6	6	7	7	7	8
Sentenced (including recalled lifers and civil prisoners)	36	38	34	35	33	31	32	29	26	27	30	30	27	25	26	19
<b>18-20</b>	<b>436</b>	<b>436</b>	<b>441</b>	<b>438</b>	<b>429</b>	<b>419</b>	<b>419</b>	<b>426</b>	<b>434</b>	<b>432</b>	<b>421</b>	<b>417</b>	<b>422</b>	<b>419</b>	<b>405</b>	<b>413</b>
Untried	89	96	102	104	97	91	82	88	92	85	82	85	101	101	100	99
Convicted awaiting sentence	50	49	45	45	42	36	38	41	43	52	39	35	29	29	28	36
Sentenced (including recalled lifers and civil prisoners)	297	291	294	289	290	292	299	297	299	295	300	297	292	289	277	278
<b>21 and over</b>	<b>7,343</b>	<b>7,308</b>	<b>7,338</b>	<b>7,339</b>	<b>7,336</b>	<b>7,363</b>	<b>7,303</b>	<b>7,301</b>	<b>7,309</b>	<b>7,261</b>	<b>7,269</b>	<b>7,275</b>	<b>7,249</b>	<b>7,260</b>	<b>7,267</b>	<b>7,248</b>
Untried (including persons awaiting deportation)	1214	1220	1222	1213	1243	1228	1202	1224	1198	1199	1175	1152	1172	1207	1223	1192
Convicted awaiting sentence	169	159	178	196	207	210	199	201	194	181	182	200	201	182	174	187
Sentenced (including recalled lifers and civil prisoners)	5960	5929	5938	5930	5866	5925	5902	5876	5917	5861	5912	5923	5876	5871	5870	5859
<b>Population on home detention curfew</b>	<b>353</b>	<b>347</b>	<b>357</b>	<b>363</b>	<b>361</b>	<b>361</b>	<b>363</b>	<b>350</b>	<b>348</b>	<b>368</b>	<b>365</b>	<b>368</b>	<b>351</b>	<b>363</b>	<b>369</b>	<b>360</b>
Women	34	34	36	41	40	43	45	48	43	47	48	46	41	38	41	38
Men	319	313	321	322	321	318	308	302	302	311	317	322	310	325	328	322

Source: Scottish Prison Services PR2 management information system

Notes:

1. The population in custody **excludes** prisoners released on home detention curfew.

**Prison population by custody type, sex and age group (Friday): April 2014 onwards**

	14-Nov-14
<b>Population in custody</b>	<b>7,678</b>
Untried (including persons awaiting deportation)	1,253
Convicted awaiting sentence	245
Sentenced (including recalled lifers and civil prisoners)	6,180
<b>Women</b>	<b>421</b>
Untried (including persons awaiting deportation)	79
Convicted awaiting sentence	20
Sentenced (including recalled lifers and civil prisoners)	322
<b>Men</b>	<b>7,257</b>
Untried (including persons awaiting deportation)	1,174
Convicted awaiting sentence	225
Sentenced (including recalled lifers and civil prisoners)	5,858
<b>Under 16 (total)</b>	<b>0</b>
<b>16-17</b>	<b>50</b>
Untried (including persons awaiting deportation)	25
Convicted awaiting sentence	5
Sentenced (including recalled lifers and civil prisoners)	20
<b>18-20</b>	<b>419</b>
Untried	101
Convicted awaiting sentence	40
Sentenced (including recalled lifers and civil prisoners)	278
<b>21 and over</b>	<b>7,209</b>
Untried (including persons awaiting deportation)	1127
Convicted awaiting sentence	200
Sentenced (including recalled lifers and civil prisoners)	5882
<b>Population on home detention curfew</b>	<b>355</b>
Women	37
Men	318

Source: Scottish Prison Service PR2 management information system

Notes:

1. The population in custody **excludes** prisoners released on home detention curfew.

HDC RELEASES - 1/6/17 - 1/6/18

TOTAL RELEASES	BREACHES WITH RECALL	BREACHES WITHOUT RECALL
1420	293	41

Period UAL	No.
10 + Years	2
8-10 years	8
6-8 years	7
4-6 years	7
2-4 years	6
1-2 years	7
6 months - 1 year	2
Less than 6 months	18
Total:	57

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**From:** [REDACTED]  
**Sent:** 11 June 2018 08:59  
**To:** [REDACTED]  
**Subject:** RE: Cab Sec call with Colin McConnell - Tuesday 12 June [SEC=OFFICIAL]

Morning

Just to confirm that the dates and staff numbers in the Cab Sec submission are correct.

**From:** [REDACTED]  
**Sent:** 08 June 2018 14:48  
**To:** [REDACTED]  
**Subject:** RE: Cab Sec call with Colin McConnell - Tuesday 12 June [SEC=OFFICIAL]

Thanks

Many thanks

---

**From:** [REDACTED]  
**Sent:** 08 June 2018 14:46  
**To:** [REDACTED]  
**Subject:** RE: Cab Sec call with Colin McConnell - Tuesday 12 June [SEC=OFFICIAL]

Hi

This is last submission which went to Cab Sec at the end of March. His office acknowledged on 24 April.

Do you need more than this – we can gather more up-to-date info on Monday morning?

**From:** [REDACTED]  
**Sent:** 08 June 2018 14:32  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Cab Sec call with Colin McConnell - Tuesday 12 June  
**Importance:** High

Just on the back of my email below, below are the topics we are proposing for discussion (fairly brief discussion on each):

**HDC review**

I'd be really grateful for this **by 12pm on Monday** to allow me time to incorporate and send up (sorry for the tight timescale!!) .

Many thanks in advance!

---

**From:** [redacted]  
**Sent:** 07 June 2018 13:18  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** Cab Sec call with Colin McConnell - Tuesday 12 June

Hi .

I am beginning to pull together briefing for Cab Sec's call with Colin next week. Do you know if there is anything in particular Colin would like to raise with Cab Sec?

Thanks

[redacted] Community Justice Division  
GWR | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | T:

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**From:**  
**Sent:** 19 June 2018 15:34  
**To:**  
**Cc:**  
**Subject:** Meeting on Thursday - SPS and Prison Policy

We are due to meet in SAH on Thursday morning. Having spoken with the team, we have a few things from our side which we would like to discuss:

- 
- Review of HDC Processes
- 

See you both on Thursday!

Community Justice Division  
GWR | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | T:

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**From:**  
**Sent:** 03 July 2018 10:50  
**To:**  
**Subject:** FW: Release of information - HDC  
**Attachments:** Cab Sec submission - Release of Information (002).doc; Annex 1.docx; Annex 2.xlsx

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**From:**  
**Sent:** 02 July 2018 16:57  
**To:** Cabinet Secretary for Justice  
**Cc:** Minister for Community Safety; DG Education, Communities & Justice; Rennick NS (Neil); MacKinnon D (Donna);  
**Subject:** Release of information - HDC

Good Afternoon

Please find attached submission and associated annexes in relation to the release of information under the Freedom of Information (Scotland) Act 2002.

Kind regards

Calton House

From: Colin McConnell  
Chief Executive, SPS  
2 July 2018

Cabinet Secretary for Justice

## RELEASE OF INFORMATION UNDER FREEDOM OF INFORMATION SCOTLAND ACT 2002

### Purpose

1. To advise you that we intend to release figures relating to Home Detention Curfew (HDC) in response to a Freedom of Information request.

### Timing

2. **Urgent** the statutory deadline for compliance with the request is 5 July.

### Background of HDC

3. HDC was introduced in 2006 initially for short term prisoners (those sentenced to less than 4 years in custody). In March 2008, the maximum duration of HDC was extended from 4 and a half months to 6 months and the scheme was also extended to long term prisoners (those sentenced to 4 or more years in custody) in cases where the Parole Board has recommended release on parole at the parole qualifying date (i.e. the half way stage of their sentence).
4. Decisions about HDC are taken by local prison management. All eligible prisoners are subject to a robust risk assessment process undertaken locally in keeping with national standards, taking into account a community assessment report provided by local authority criminal justice social work.
5. When considering the release of a prisoner on HDC, consideration must be given to protecting the public at large; preventing re-offending by the prisoner; and securing the successful reintegration of the prisoner into the community. HDC is not an entitlement and prisoners are only eligible if they are considered by SPS to present a low risk of reoffending.
6. Certain categories of offenders are automatically excluded by statute from inclusion in the scheme, e.g. those who have to register as sex offenders, those given an extended sentence.
7. The HDC licence includes a combination of standard conditions, a curfew condition and any non-standard licence conditions considered appropriate by the Scottish Prison Service and the local authority criminal justice social workers.
8. In the period June 2017 to June 2018, 76% of prisoners granted HDC successfully complied with the terms and conditions of their licence. Around 20% of prisoners were recalled due to a breach of their conditions. There were technical breaches in around 4% of cases. A technical breach would include issues such as failure of the equipment.

9. There are clear processes in place when an individual fails to comply with the conditions of their HDC licence. The electronic monitoring service provider, currently G4S, first alerts the SPS. When licence conditions are confirmed as breached, the SPS immediately revokes the licence, issues a recall order and alerts Police Scotland. Arrangements are then made to apprehend the prisoner who at this time is unlawfully at large (UAL).

#### Information requested

10. The Scottish Prison Service has received a request for information in the following terms,

*“For each individual year since 2006, please provide figures showing:*

- 1. The total number of home detention curfews issued*
- 2. The total number of home detention orders breached*
- 3. The total number of people who breached home detention orders and were then defined as being “unlawfully at large”.*
- 4. Also, please confirm how many offenders who have breached home detention curfews are currently defined as being “unlawfully at large”.*
- 5. Of them, please provide a breakdown showing how many days they have been “unlawfully at large”.*

The responses to questions 1 – 4 can be found in Annex A. Response to question 5 can be found in Annex B. Please note that these figures were calculated on 19 June.

#### Lines to Take

13. It is proposed that the following lines are deployed in response to any enquiries following release:

- Whilst the detection and arrest of any prisoner unlawfully at large is a matter for Police Scotland, the Scottish Prison Service will cooperate fully and offer any assistance which leads to the arrest of anyone unlawfully at large.
- Home detention curfew is not an entitlement. Prisoners applying for HDC are subject to a full risk assessment which includes reports by criminal justice social workers.
- Applications are not considered for those prisoners subject to statutory exclusions - for example, prisoners required to register as sex offenders are ineligible as are those serving extended sentences.
- Prisoners are only eligible if they are assessed to be at low risk of reoffending.

- This system is an established mechanism in preparing people in custody for release.
- Before release, individuals are subject to robust risk assessment which includes a report from local authority criminal justice social workers.

**Recommendation**

14. You are invited to note:

- the decision to publish the data; and
- lines to take.

**Colin McConnell**  
Chief Executive, SPS  
2 July 2018

Calton House  
Tel:

Copy List	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Community Safety and Legal Affairs					X

DGECJ  
 Neil Rennick, SG  
 Donna MacKinnon, SG

Our Ref HQ18067

2 July 2018

Dear [REDACTED]

Thank you for your request dated 7 June 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

1. The total number of home detention curfews issued?  
**Response: 21024. These figures represent to total number of HDC releases up until 19 June 2018**
2. The total number of home detention curfews breached?  
**Response: 4881.**
3. The total number of people who breached home detention orders and were then defined as being “unlawfully at large”?  
**Response: 3919.**
4. Also, please confirm how many offenders who have breached home detention curfews are currently defined as being “unlawfully at large”?  
**Response: 60.**
5. Of them, please provide a breakdown showing how many days they have been “unlawfully at large”.  
**Response: Please see sheet attached.**

**Please note that the figures provided were calculated on 19 June 2018.**

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to The Chief Executive, Calton House, 5 Redheughs Rigg, Edinburgh, EH12 9HW. Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely

Days UAL	No. of Priso
----------	--------------

8	1
9	1
10	1
19	1
21	1
26	1
49	1
52	1
53	1
84	1
88	1
102	1
163	1
182	1
217	1
256	1
344	1
382	1
386	1
424	1
483	1
560	1
677	1
769	1
784	1
847	1
907	1
1063	1
1081	1
1185	1
1774	1
1817	1
1830	1
2082	1
2121	1
2155	1
2399	1
2464	1
2537	1
2632	1
2834	1
2840	1
2883	1
2912	1
2947	1
3008	1
3027	1
3114	1
3156	1
3157	1
3185	1
3360	1
3825	1
4003	1