Justice Committee

Management of Offenders (Scotland) Bill

Written submission from Her Majesty's Chief Inspector of Prisons for Scotland

Part 1 of the Bill (Electronic Tagging)

1. **Do you support Part 1 of the Bill concerning the electronic monitoring of offenders?**

I very much welcome the provision for greater use of electronic monitoring. I support the Scottish Government's intention to balance the rights of people with convictions with the rights of the public to be protected. I hope that a unified set of rules in relation to when someone should be monitored via electronic tagging will help to achieve consistency in approach. The intended future use of new technology could help maximise the use of community based disposals. However, I believe that Part 1 should be revised (please see our response in 2 and 3).

2. **The Scottish Government wishes electronic monitoring to play a greater role within the criminal justice system. Will the reforms in Part 1 of the Bill help enable this? If not, what further changes (legislative or non-legislative) are required?**

I have some concerns about the consistency of decision making in deciding whether electronic monitoring is appropriate, when the court is deciding what sentence to impose and when an offender serving a custodial sentence is released on license.

3. **Do you have any views of any specific aspects of Part 1? For instance revisions to the list of circumstances in which electronic monitoring may be imposed or the creating of a power to enable future monitoring devices to contain GPS technology or technology that can measure alcohol or drug ingestion.**

The Bill makes no reference to use of electronic tagging as an alternative to remand. As I have already stated publicly, I am concerned about the number of prisoners being held in prison on remand, which represents almost 19% of the total prison population. Many of the people held on remand do not receive a custodial sentence when the case is disposed of. In some cases it appears that remand is used as a heavy-handed way to ensure that the accused attends court for their trial.

In my view, remand should only be used in exceptional cases, where it is absolutely necessary to protect the public from serious harm or where there is clear evidence of a flight risk. Therefore, I would support a proposal to legislate to permit greater use of electronic monitoring or tagging to allow more alleged offenders to be granted bail whilst they await trial.

One of the national themes that has arisen from prison inspection and monitoring is the inequity of access to regimes for remand prisoners, and lengthy waits for
healthcare appointments and treatment. Another important issue that impacts on prisoners held on remand is the risk of losing tenancies and employment.

It is also worth noting the effects that a high number of remand prisoners has on the potential rehabilitation of the rest of the prison population. When inspecting prisons I often observe a lack of access to activities for prisoners, which is in part due to the significant number of prisoners being held on remand.

**Part 2 of the Bill (Disclosure)**

4. *Do you support Part 2 of the Bill? The Scottish Governments view is that it will provide a more appropriate balance between the public’s right to protection and a for offender’s right to “move on” with their life, by, overall, reducing the legal need for disclosure. Do you agree?*

I support the proposed amendments to the Reform of the Rehabilitation of Offenders Act (1974), and agree that it will provide a better balance between the public’s right to protection and a former offender’s right to “move on” with their life, in relation to basic disclosure. If those who have received a custodial sentence of less than 4 years are given the opportunity to seek employment and/or further education, this may help individuals to break the cycle of reoffending.

5. *Do you agree with the Scottish Government that other reforms in Part 2 will make the law on disclosure of convictions more intelligible, clear and coherent?*

Yes.

6. *Do you have any further views on law and policy around disclosure of convictions?*

No.

**Part 3 of the Bill (Parole Board)**

HMIPS do not have any comments to make in relation to the amendments to the legislation concerning the Parole Board.

HMIPS
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