Justice Committee
Management of Offenders (Scotland) Bill
Written submission from People Experiencing Trauma and Loss (PETAL) Support


However, the electronic monitoring of offenders (TAG) is seen by some as a minor inconvenience to their lives, and in some cases is recognised some kind of achievement as being awarded a soft-option of punishment within criminality circles. PETAL also believes that this particular option for court at either disposal or release on license should have tighter restrictions and monitoring, as in part of their sentence for the crime that they committed is still being served in free in the public domain. There are many instances of minor up to and including serious criminal re-offending (including Homicide) while on-parole/on-licence from a custodial sentence or monitored restrictions in the public domain.

2. In PETAL’s view the reforms detailed in Part 1 of the Bill may help enable the greater role envisaged by Scottish Government.

This proposal will in PETAL’s opinion may incur a negative impact on, public protection and re-offending. It is an understandable proposal for the Bill that the expansion of electronic monitoring of convicted criminals as an option for court disposal for possible custodial sentences, which without the costs of incarceration for an individual is attractive option. However, in PETAL’s view the down side to this proposal of expansion of the use of electronic monitoring within the Bill could be, even if there is no significant additions to the numbers involved, if tighter restrictions are not imposed PETAL’s view is there will be an increased risk to public protection, re-offending and potentially increasing-the-bar for offender behaviour before a custodial sentence is expected.

3. Further views on any specific aspects of Part 1 can be concluded by the following:

Further powers required for changes may include an ‘additional fine’ at disposal to recover cover some of the tagging costs involved over the average 18-month duration for the electronic monitoring. This would be seen as a reasonable price to pay for serving a sentence at liberty with family members and free in the public domain.

PETAL suggests that, for all perpetrators of crime but in particular with convicted murderers and serious offenders a higher standard for ‘Revisions to the list of circumstances’ required for imposing an at-liberty-serving-a-sentence with a device attached should be a high priority within the Bill. If part of their sentence (while on-parole/on-licence) is free from custody and at liberty, further sanctions (extra to what is the norm) should be implemented as if they were still in prison. (this may include
new electronic technology which may include geographical location, voice recording, blood monitoring, sensory recording and drug detection).


In this proposal PETAL’s opinion is that we support parts of the proposal for low level criminals who commit low level crimes. However, using a broad-brush approach for time of punishment (48 months), rather than the seriousness of the crime is wrong, and will absolutely no doubt in PETAL’s opinion incur a negative impact on public protection and the ex-offender’s opportunity and ability to possibly reoffend. There have been numerous High Court extremely miscarriages of sentencing of 4 years and less for murder, attempted murder, culpable homicide. There are also some instances of light sentences for ABH, GBH in which the offender is released and then commits murder. The public and employers have a right to know a disclosure of this type of offence for themselves, and other that they may be responsible for especially in the workplace as a ‘Duty of Care’ to them.

PETAL’s view is that Scottish Governments aim to provide a more appropriate balance between the public’s right to protection and a former offender’s right to “move on” with their life, PETAL in part agrees with.

In this part of the proposal PETAL’s very strong opinion is that we support parts of the proposal for low level criminals who commit low level crimes. However, the hundreds of traumatised victims’ families, and loved ones of murder victims in Scotland that PETAL supports, whose loved ones have their lives taken from them in the most horrific and needless circumstances, have no chance or right to “move on” with their life! As explained above in the question... Moving on for some people who have lost loved ones to murder is impossible for the rest of their lives (a Whole Life sentence you may say). Therefore, having the ‘inconvenience’ of a disclosure of the perpetrators previous crime to an employer, I would suggest is a very minor issue for them to “move on” with their lives. Especially having the luxury and ability to live life to the full with their own children, family and friends intact.

5. PETAL agrees that in Part 2 of the Bill it is imperative law on disclosure of convictions more intelligible, clear and coherent?

In this part of the proposal PETAL has included in question 4 our opinion that we support parts of the proposal for low level criminals.

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

PETAL is a charity that provides psychological counselling and therapies for victims and witnesses of murder in Scotland. We have family members of who have regained enough coping skills to lead a semi-normal life. Some of these people are involved in the Governance Committee of our charity, making important decisions on how the charity performs. PETAL’s strong opinion is that we would like to propose that victims of crime should have a place on each Parole Board and hearing. Only then it could be said that a true ‘balanced’ view and opinion in the conduction of
parole hearing would take place, and it may be that the general public would agree with this suggestion also.

PETAL Support
23 April 2018