Thank you once again for the opportunity to contribute to the Justice Committee’s most recent discussion on HDC, convened on 20 November. As promised during that discussion, I am writing in order to provide further information and clarity on the questions asked by members around HDC.

Statistics the number of serious, violent and sexual crimes committed by people on home detention curfew

Daniel Johnston MSP posed a question regarding the number of serious, violent and sexual crimes, committed over the past 2 to 3 years by people on home detention curfew. The numbers he intimated were 16 murders and dozens of serious sexual assaults. As you will have gathered during our evidence session, these figures were not familiar to me in any form. Having checked our records over the last 5 year period, James Wright was the only individual who committed murder while unlawfully at large following a breach of HDC. I am of course happy to review any information the member can provide to further substantiate this claim should you feel that this would be helpful.

I also indicated to the Committee that I would provide further information regarding the low number of individuals who had committed further offences whilst on HDC which had resulted in a new warrant being served. Following some further analysis, the following data has been obtained from our Prisoner Records system for the last 3 years (to date):

<table>
<thead>
<tr>
<th></th>
<th>2016-17</th>
<th>2017-18</th>
<th>2018 - to date</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Warrant Served</td>
<td>14</td>
<td>17</td>
<td>14</td>
<td>45</td>
</tr>
</tbody>
</table>

Bail Decisions by Sheriffs and Judges

Daniel Johnston MSP also asked a further question around whether considerations made by a Sheriff when deciding whether to grant bail were taken into consideration in the decision process for HDC now, or in the past. The question seems to be predicated on the notion that the decision to remand an individual is based upon the risk that that individual might pose to the community. Whilst the reasons for each individual remand is of course a matter for the Sheriff concerned, we are aware of instances where the decision was based on a variety of other factors including the potential of the individual to fail to appear in court due to their chaotic life circumstances. The risk assessment process for HDC considers a different set of risks and consideration is given to a variety of different factors including, of course, any risk to the public as well as an overall assessment of the individual and his or her custodial journey with SPS.
Data Protection

Turning now to the point made about data protection legislation and the potential problems being experienced in sharing information should an individual on HDC, for example, be admitted to hospital. Without knowing the specifics of the cases referred to, which would be a matter for Police Scotland, there are undoubtedly instances where the NHS are unable to share patient information with third parties because of the issue of patient confidentiality. Indeed, this has posed problems for healthcare practitioners working in prisons attempting to obtain information about prisoners in hospital despite the fact that both sets of staff are employed by the NHS.

I trust that this information is helpful to the Justice Committee

Colin McConnell
Chief Executive
10 December 2018