Sacro welcomes the opportunity to contribute to your ‘Call for Views’ in respect of the Management of Offenders (Scotland) Bill. Consequently, Sacro’s Corporate Management team have reviewed the content of the Bill, and considered your paper, and would comment as follows:

In Respect of Electronic Monitoring (EM)

Question 1

Importantly, the Bill makes clear that Electronic Monitoring (EM) in isolation will not change behaviour or reduce re-offending but that there is potential for change when used alongside integrated monitoring and support.

There is also an opportunity to enhance public safety by allowing for the “testing out” of high-risk offenders by releasing them on temporary licence with EM (work placements and home leave) prior to longer-term release on parole, non-parole, or extended sentence.

The Bill also acknowledges the voices of victims by building in EM with both inclusion and exclusion zones, providing reassurance for victims following release of offenders. The Bill will also strengthen public protection measures, via SOPO and SHPO with EM. The technology will also allow for enhanced monitoring through GPS and transdermal alcohol monitoring.

There is no mention of the impact of EM on the family or other residents in a household where there is an offender subject to statutory requirements including EM. This will have an effect on the potential for success of the Order, and any assessment of suitability for EM needs to take account of the views of everyone who may be affected by it.

Question 2

The reforms have the potential to support the aim of greater use of EM to both reduce reoffending and to maximise public safety. However, careful targeting, through risk assessment is important, so that there is not an up-tariffing of individuals who perhaps do not require EM, but may find themselves subject to the conditions. This is likely to be reflected in the Criminal Justice Social Work Report. A CPO with an EM requirement at the initial point of sentence will be an asset for certain individuals. A flexible approach in managing individuals subject to a CPO will be helpful also, whereby the EM requirement could be removed following progress and further risk assessment, leaving the remainder of the time as part of a more standard order. This should help to keep costs down also where appropriate.
There is an opportunity also to consider the use of EM as part of bail conditions, which could be monitored through bail support and bail supervision. This would have the potential to reduce the number of individuals remanded in custody.

**Question 3**

The use of GPS technology for the very vulnerable or for those presenting a high risk of reoffending in a serious way could be beneficial in monitoring the whereabouts of individuals, and enhance capacity to safeguard public protection. Given that relapse is common for individuals with substance misuse issues, there needs to be national guidance on the use of technology that measures substance ingestion, providing clarity on potential actions that could be taken, as well as identifying the implications of taking any such actions.

**In Respect of Disclosure of Convictions**

**Question 4**

Proportional disclosure is more appropriate and linked to social justice. It will assist in tackling the inequality associated with individuals who have been involved in the criminal justice system who have been rehabilitated and are considered to be ready for work.

It is also important to be vigilant and to take account of public protection issues. For example, where an individual may be serving a prison term for a more minor matter, but has a background of offending of a more serious nature, e.g. of sexual or violent offending, particularly against vulnerable adults or children or young persons, it is important that those involved in decision-making consider these matters.

**Question 5**

Simplifying the principles from the 1974 Act is welcome. The reforms facilitate a move away from the idea that rehabilitation is only complete when convictions are spent, which is not realistic. The reduction in disclosure periods will both provide opportunities for employment, and help to support offending-free lifestyles.

Treating the disclosure period differently for young people is also appropriate. It reflects the principles of GIRFEC as well as a holistic approach to the welfare needs of young people.

**Question 6**

No further comments.

Sacro is keen to continue to provide ongoing feedback with a view to ensuring that information is relevant both to persons who are within the justice system, and to organisations that are providing support to these individuals.

Sacro
23 April 2018