Justice Committee  
Management of Offenders (Scotland) Bill  
Written submission from the Scottish Sentencing Council

Thank you for seeking the views of the Scottish Sentencing Council on the current draft of the Management of Offenders (Scotland) Bill. As the Council’s remit covers only sentencing in Scotland, our response only addresses the questions asked by the Committee in relation to part one of the bill.

1. Overall, do you support Part 1 of the Bill concerning the electronic monitoring of offenders?

The Council welcomes the provisions in the Bill which provide for a greater degree of flexibility in sentencing, which should allow judges more ability to impose proportionate, tailored disposals. The Council also welcomes changes which seek to simplify the administration of movement restrictions. Other aspects of the Bill are outwith the Council’s remit and it would not be appropriate for the Council to comment on these.

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?

The Bill, in its current form, will help widen the use of electronic monitoring. The Council does note, however, that careful monitoring and evaluation of the system in practice will be required to ensure it is working as anticipated.

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

The Council notes the ability of Ministers to vary the list of valid disposals and specify new technologies for use in electronic monitoring. The Council would suggest that consultation with stakeholders prior to these powers being used will be important to ensure that full account is taken of the likely effects of any proposed changes, including costs, effectiveness, and overall impact on the justice system. The Council also notes that the increase in maximum duration for restriction of movement orders from 12 to 36 months as part of the alignment with CPOs may result in an unintended increase in sentencing severity and an associated increase in costs where restriction of movement orders are imposed for longer than previously would have been the case. Monitoring of the impact of this change will be required.

If the Committee has any further questions, the Council would be happy to engage further with you on this subject.