



SCOTTISH EXECUTIVE

Justice Department
Community Justice Services Division

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Directors of Social Work/Chief Social Work Officers
Criminal Justice Social Work Managers and Senior Social Workers
ADSW
Supt William Manson, Scottish Police Information Service

Dear Colleague

HOME DETENTION CURFEW

Summary

1. I am writing to inform you that from 3rd July 2006, prisoners will be eligible for release on Home Detention Curfew (HDC). The provisions for HDC are contained in the Management of Offenders etc (Scotland) Act 2005 and form part of the Executive's strategy to improve the way we manage offenders. HDC will allow certain short term prisoners assessed as presenting a low risk of reoffending, to be released on licence between 2 weeks and 4 months early. They will be subject to electronically monitored restrictions on their movements for up to 12 hours per day for the remainder of their sentence. The primary aim of HDC is to ease reintegration of prisoners back into the community whilst they are tagged.
2. Certain categories of offenders are excluded by statute from inclusion in the scheme, e.g. sex offenders. All eligible prisoners will be subject to a robust risk assessment process undertaken by the Scottish Prison Service (SPS).

Legislation

3. Section 15 of the Management of Offenders etc. (Scotland) Act 2005 inserts section 3AA into the Prisoners and Criminal Proceedings (Scotland) Act 1993 (the 1993 Act) which allows for Scottish Ministers to release prisoners on Home Detention Curfew licence. When considering the release on HDC of a prisoner, consideration must be given to:
 - protecting the public at large;
 - preventing re-offending by the prisoner; and
 - securing the successful reintegration of the prisoner into the community.
4. This section also specifies those prisoners who are statutorily excluded from release on HDC (subsection 5).



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5. Section 15 also inserts sections 12AA and 12AB into the 1993 Act. Section 12AA provides for standard conditions which must be included in all orders. The standard conditions have been prescribed by regulation and are to:

- be of good behaviour and keep the peace;
- not commit any offence
- not tamper with or intentionally damage the electronic monitoring equipment or device(s) or knowingly allow these to be tampered with or intentionally damaged; and
- allow the electronic monitoring service provider access to the specified address to install and check electronic monitoring equipment.

Where additional conditions are being considered by the Scottish Prison Service, the relevant local authority will be given the opportunity to assess its ability to monitor such conditions in the community as part of the Community Assessment process.

6. Section 12AB relates to the curfew condition which is a requirement of the HDC licence. The curfew condition will require the prisoner to remain at a certain address for specified times of up to 12 hours each day. It may also require the prisoner to stay away from a specific address. Compliance with the curfew is monitored remotely using electronic monitoring equipment.

Guidance

7. The Home Detention Curfew Implementation Group, comprising membership from the SPS, Scottish Executive Justice Department, ADSW, ACPOS and Serco (the electronic monitoring contractor) has developed and agreed guidance which sets out the roles and responsibilities of the agencies involved in the HDC process. The primary role rests with the SPS through its responsibility for identifying those prisoners who are eligible for HDC and for carrying out the required risk assessments. The SPS will request community assessments from local authority social work departments where prisoners have been deemed suitable for HDC. The SPS will then decide whether or not to release the prisoner on HDC. The SPS is also responsible for decisions on breaches and recalls.

8. The main role of police is in relation to the recall warrants issued by the SPS when a prisoner has breached his or her HDC licence conditions. This follows a similar process to that followed for recall of prisoners on release on parole licence.

9. The full guidance manuals covering the roles of all agencies will be issued shortly. In the interim, guidance relating to the role of SPS, social work, the police and the electronic monitoring contractor is attached for your information.

Contact Point

10. If you have any comments or queries about this circular, please contact Jackie Knox, Scottish Executive Justice Department, Community Justice Services Division, Ground West Rear, St Andrew's House, Regent Road, Edinburgh, EH1 3DG (jackie.knox@scotland.gsi.gov.uk) or on telephone number 0131 244 3662. Contact details for individual agency representatives on the Home Detention Curfew Implementation Group can be found in the attached guidance.

Yours faithfully



Jackie Knox