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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

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- 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).

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.

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Yours faithfully

Jackie Knox

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Home Detention Curfew

Procedural Guidance for Agencies

This section of the manual describes the end to end process for Home Detention Curfew. The initial section describes the main part of the process which is managed by the Scottish Prison Service. It then details each agencies role in the process.

Role of the Scottish Prison Service

Eligibility

1. Identification of potentially eligible prisoners

1.1 The decision to release any prisoner on the HDC scheme must be taken having regard to considerations of

- protecting the public at large;
- preventing re-offending by the offender; and
- securing the successful re-integration of the prisoner into the community.

1.2 SPS must therefore identify prisoners who present a low risk of (re)offending if released. To help identify which prisoners are most suitable, a robust assessment process has been developed.

1.3 Legislation directs SPS towards which prisoners should be considered. In general, only short-term prisoners sentenced to three months or more can be considered. This guidance manual specifically deals with this group of prisoners.

1.4 Section 15 (5) of the MoO Act inserts Section 3AA (which allows for release on HDC) into the *Prisoners and Criminal Proceedings (Scotland) Act 1993* (c.9) and sets out timescales for release, i.e. the minimum and maximum amounts of time for which a prisoner can be placed on HDC. Legislation states that every prisoner must serve a minimum of one quarter or four weeks (whichever is greater) of his/her sentence in custody. The minimum time available on HDC is, therefore, 14 days. The maximum limit has been set at 135 days.

1.5 SPS should assess all prisoners sentenced to more than three months (up to four years).

2. Assessment

2.1 The assessment process is based on the following:

- **Statutory Exclusions**¹: The first stage of the assessment process is establishing those prisoners who are excluded from release on HDC by legislation. This first 'sift' will be managed via the IT system of the SPS (PR2) which will be programmed to identify the following:
 - prisoners who are required to register as sex offenders;
 - prisoners who are subject to an Extended Sentence;
 - prisoners who are subject to a Supervised Release Order;
 - prisoners who are subject to a Hospital Direction (including Transfer for Treatment)²;
 - prisoners awaiting deportation³; and
 - prisoners who have previously been recalled to prison having been released on licence

In terms of recalls, prisoners recalled from HDC licence because they could not be monitored at the curfew address are not statutorily excluded. If a suitable address is found, these prisoners may qualify for release on HDC at a future date.

Where a prisoner is statutorily excluded, written notification should be issued as early as possible.

2.2 Those prisoners who are not statutorily excluded must undergo a risk assessment. As only 'low risk' prisoners should be released on HDC, those with high or medium supervision levels should not be considered (although, as supervision level can change, these prisoners may be eligible to apply for release on HDC at a later date; a review date should be set that corresponds to a review of the supervision category).

2.3 Having identified those prisoners whose supervision level is low, the SPS should then invite an application for release on HDC.

2.4 Where a prisoner does not wish to be considered for the scheme, a signed disclaimer should be taken and PR2 should be updated to reflect this.

2.5 Prisoners who wish to apply should complete form HDC 1 in full. The onus is on the individual prisoner to provide all relevant information.

2.6 When the completed application form has been returned, the remaining stages of the assessment process can commence.

¹ Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9), Section 3AA(5) as inserted by Section 15(5)(5) of the MoO (Scotland) Act

² Criminal Procedure (Scotland) Act 1995 (c.46) Section 59A; Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) Section 136(2)

³ Where a foreign national is not subject to deportation, his/her immigration status should be checked in line with SPS action notice 18A/06(30th May 2006)

2.7 With regard to the considerations described in paragraph 1.1, the risk assessment should now be undertaken. As this stage of the assessment is more subjective, SPS must take steps to ensure decisions are made in a fair and consistent manner. With this in mind, a list of static risk factors has been drawn up; this should be applied across all establishments.

□ **SPS Risk Factors:** Although not contained in the list of Statutory Exclusions, the following should be considered as part of the overall risk assessment and should be taken into account when making the decision as to whether or not a prisoner is suitable for release on HDC:

- prisoners with a history of sexual offending;
- prisoners whose history includes a conviction for a Schedule 1 offence;
- prisoners whose conviction includes an element of domestic violence;
- prisoners whose index offence includes bail aggravation ⁴;
- prisoners who have failed to comply with a previous licence;
- prisoners who have failed to engage in the Core Screen/CIP processes inclusive of accessing interventions; and
- prisoners whose behaviour while in prison has given cause for concern (behaviour that is indicative of offending on release, e.g. providing positive drug tests).

2.8 The Statutory Exclusions and SPS Risk Factors are summarised at the end of this guidance. There are, however, other factors to consider.

2.9 As the SPS work with prisoners as individuals, it is not possible to fully prescribe the decision-making process. Certain issues will arise with some prisoners that will necessitate a level of judgment on the part of SPS management (it may be the case that prisoners who meet the basic requirements of the HDC scheme would actually be harmed if released early, e.g. vulnerable female or young offenders). In such cases, managers must be prepared to make the most appropriate decision based on evidence while bearing in mind the fact that some of our decisions will be challenged.

2.10 All evidence should be collated using the HDC Assessment Dossier - form HDC 3. This will help ensure managers have a consistent level of information relating to each prisoner. Should the assessment indicate a significant risk of the prisoner re-offending while on HDC or failing to comply with the curfew conditions, release should not be authorised. It may, however, be considered appropriate to review the prisoner's circumstances at a later date; if so, a review date should be entered in PR2. The prisoner should receive written notification of the reason(s) for refusal to grant release on HDC.

⁴ History of bail aggravation should also be considered in the case of previous convictions

2.11 In certain cases, release on HDC may only be appropriate if specific conditions are included on the licence (over and above the standard curfew conditions). In such cases, any non-standard conditions should be discussed with the prisoner in order to establish the likelihood of compliance. This discussion also provides the prisoner with the opportunity to familiarise him/her with the terms of release at an early stage.

Should the prisoner indicate an unwillingness or inability to comply with such restrictions, release on HDC should not be authorised and the prisoner should receive written notification of the reason for refusal of HDC (form HDC 4b).

2.12 Where it appears the prisoner would qualify for release on HDC, the proposed curfew address should be assessed for suitability. This assessment will be carried out by Criminal Justice Social Work (CJSW) Services.

2.13 In cases where non-standard licence conditions are considered appropriate, these should be included on the HDC Community Assessment request - form HDC 2a.

This will allow CJSW Services the opportunity to assess their ability to monitor such conditions in the community (there may be a need for negotiation between SPS and CJSW Services for certain types of condition).

□ **HDC Community Assessment:** SPS instigates this by sending the appropriate Local Authority a Community Assessment Request (form HDC 2a). CJSW Services are responsible for checking the proposed address to ensure the prisoner's presence (on curfew) will have no adverse effects on the people living there or the community as a whole. This assessment should include:

- a summary of the accommodation (e.g. electricity supply, size, etc);
- a summary of domestic/family responsibilities;
- a description of regular activities in which the prisoner needs to take part;
- a report on any relationship/victim issues;
- the views of those likely to be affected by the enforced presence of the prisoner; and
- any other issues the social worker considers relevant.

2.14 It may be the case that this assessment is complimented by additional information available to Social Work (e.g. Social Enquiry Reports; historical records, etc). It should, however, be noted that CJSW Services is not responsible for deciding whether or not a HDC licence should be granted; that decision is made by SPS management, using all relevant facts from appropriate sources.

2.15 CJSW Services have agreed to carry out the HDC Community Assessment within 15 days of the request. This is particularly important for prisoners serving very short sentences, such as three months as - should they qualify - they

would be in custody for only 30 days (with the last 14 spent on HDC). The return of the assessment request should therefore be monitored with contact being made with the appropriate Local Authority should any delay become apparent.

2.16 The Community Social Worker may also wish to highlight a need for additional conditions and may do so as part of the Community Assessment. Additionally, he/she should also record any additional issues that the Governor may wish to take into account when authorising the prisoner's licence.

2.17 When the HDC Community Assessment is complete, (form HDC 2b - completed by CJSW Services) pertinent information should be recorded in the assessment dossier. All HDC paperwork should then be passed to the manager with HDC decision-making responsibility for a final decision.

3. Management decision

3.1 The decision to release a prisoner on HDC must be made with regard to the considerations described in paragraph 1.1, i.e.

- protecting the public at large;
- preventing re-offending by the offender; and
- securing the successful re-integration of the prisoner into the community.

3.2 It is, therefore, essential for SPS to apply a consistent approach in deciding which prisoners are most suitable for release on HDC. While each case should be treated on its individual merits, with many dynamic factors being taken into account, SPS must ensure decisions are made in a fair and consistent manner.

3.3 Research tells us a number of prisoners considered unsuitable for release on HDC will lodge an appeal. The decision on appeals against refusal to grant release on HDC is for SPS to make. When refusing release on HDC, the decision must be based on evidence with all relevant sources noted. All decisions should be reached with the possibility of an appeal in mind.

3.4 The decision as to whether or not a prisoner is suitable for release on HDC will also have a bearing on which prison he/she is placed. HMPs Glenochil and Shotts have historically been populated with prisoners serving four years or more. Under current legislation, such prisoners are not eligible for release on HDC. These establishments have not, therefore, been allocated resources to deploy the HDC scheme.

3.5 On occasion, SPS is required to transfer prisoners due to the pressure of high prison numbers. When this need arises, care should be taken when identifying prisoners that will be moved to either HMP Glenochil or HMP Shotts. Prisoners for whom a transfer is being considered should undergo an 'HDC eligibility check'. The HDC Administrator should check whether or not the prisoner is statutorily excluded. If so, a transfer to one of the above establishments presents no issues as far as HDC is concerned.

3.6 If the prisoner is not statutorily excluded, the sending establishment should carry out a check to identify whether or not the prisoner is likely to qualify for release on HDC (at a future date). Where qualification for HDC is considered likely, establishments should, where possible, attempt to identify a prisoner for whom a transfer would be more appropriate.

Release on HDC

4. Release date

4.1 If, taking all relevant factors into account through the assessment process, release on HDC is approved, the release date needs to be established. A prisoner's HDC qualifying date will be calculated automatically by PR2 (using the critical dates calculation).

4.2 However, in some circumstances, it may be considered inappropriate to release a prisoner on the qualifying date, e.g. a prisoner who has served his/her quarter sentence by 1st July and would be eligible to spend 135 days on HDC may have his/her release delayed until a treatment programme - due to end on 15th July - has been successfully completed. In this case, the prisoner would potentially spend 120 days on HDC, not the 135 day maximum.

4.3 In all cases where the prisoner's HDC qualifying date is a Saturday or Sunday, release must be postponed to the following Monday. The prisoner should never be released before the HDC qualification date (regardless of the process for normal liberation).

4.4 On the determined **HDC release date**, the prisoner will be released from SPS custody. The prisoner movement should be recorded in PR2, i.e. 'Released on HDC'. The electronic monitoring contractor (Serco) will carry out the 'tagging' operation at the prisoner's curfew address and should, therefore, be informed in advance of the date and time of the prisoner's release - and the curfew conditions.

4.5 In all HDC releases, the electronic monitoring contractor should be notified at least seven days prior to the HDC release date. Form HDC 6 should be completed and faxed to Serco's control centre. This form includes information to allow Serco to identify the prisoner which should be taken from PR2. It is essential the characteristics described on form HDC 6 are provided in all cases.

4.6 The notification of release should also be sent to the relevant Police Force (again, seven days in advance of the HDC release date). This notification should take the form of a list (which should be sent to each Police Force) detailing all prisoners being released to that area. The list should include:

- the prisoners' names
- the prisoners' addresses
- the prisoners' HDC release date and the Earliest Date of Liberation

5. Licence conditions

5.1 Release on HDC will always be conditional. The prisoner should be made aware of the licence conditions before official notification of his/her eligibility is issued. The prisoner's acceptance of these conditions should be retained on file (with the prisoner being given a copy).

5.2 For all prisoners on HDC, standard licence conditions will apply. For others, there may also be a need to impose non-standard licence conditions. Examples of both types of condition can be found at the end of this guidance.

5.3 When applying non-standard licence conditions, SPS must have assurance from CJSW Services that these conditions can be effectively monitored in the community. This assurance should be sought before the decision to grant release on HDC is made (the HDC Community Assessment request form includes a section to notify CJSW Services - in advance - of non-standard licence conditions being considered). It may also be the case that non-standard licence conditions that do not require community supervision are appropriate. In such cases, the relevant organisation/authority should be consulted prior to the decision to release the prisoner on HDC licence.

5.4 When the decision to release a prisoner on HDC has been made, he/she should be made aware of the licence conditions as early as possible. This will provide prisoners with the opportunity to familiarise themselves with these conditions from the outset, hopefully lessening the potential for non-compliance once released.

6. Breaches of licence

6.1 Compliance with the curfew conditions will be electronically monitored by Serco, through a contract with the Scottish Executive. Should a prisoner breach his/her curfew conditions, Serco will notify SPS within agreed timescales (Serco are not responsible for monitoring conditions other than the curfew). SPS management will make a decision on whether or not the breach merits a recall to custody.

6.2 In cases where non-standard licence conditions that require supervision apply, CJSW should monitor compliance and report instances of non-compliance to SPS through agreed channels. As with breaches of standard conditions, SPS management will make the decision on whether or not the breach merits a recall to custody.

6.3 Other sources may also notify SPS of facts that could lead to a decision to recall the prisoner to custody, e.g. Police notification of a caution. Again, the decision will fall to SPS management.

7. Recall to custody

7.1 When a prisoner breaches his/her licence conditions, SPS has the authority ⁵ to revoke the HDC licence and recall the prisoner to custody. The decision to recall must be made by the establishment that released the prisoner on HDC (and holds the warrant). Should the decision to recall the prisoner be made, immediate notification should be issued to the relevant Police desk, accompanied by a written request to return the prisoner to custody (form HDC 5a). The breach record should be updated in PR2.

7.2 For practical reasons, it may not be possible to return the prisoner to the establishment from which he/she was released on HDC. If this is the case, a suitable establishment should be identified and the Police should be notified (as part of the recall notice) which establishment will receive the prisoner. The (receiving) establishment should also be notified at the time of recall. Local arrangements will need to be in place to ensure relevant documentation is forwarded as appropriate.

7.3 In practice, most - if not all - serious breaches will result in the prisoner being recalled. However, in cases where breaches are less serious, SPS may still recall the prisoner should a pattern of non-compliance with the HDC licence become apparent.

7.4 When a prisoner has been recalled from HDC licence, he/she must remain in prison until the Earliest Date of Liberation has been reached. A recall from HDC will effectively preclude the prisoner from any future release on HDC licence as the recall will become a Statutory Exclusion in terms of future assessment, except where the licence has been revoked due to an inability to electronically monitor the prisoner at the curfew address.

7.5 The Police Service will treat recalls from HDC as a matter of priority. A recalled prisoner is treated as 'unlawfully at large' from the date the recall notice is signed. When the prisoner is returned to custody, all days where the prisoner was unlawfully at large shall be **added to the original EDL**.

7.6 Upon (re)admission to an SPS Establishment, the prisoner must receive written notification of the reason for the recall (form HDC 5b)

8. Appeal against recall

8.1 Prisoners whose HDC licence has been revoked, have the right of appeal against the decision to return them to custody. The prisoner must make written representation to Scottish Ministers (in practice, the SPS) who must refer all appeals to the Parole Board for Scotland ⁶.

⁵ Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9), Section 17A, as inserted by Section 15(13) of the MoO (Scotland) Act
⁶ Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9), Section 17A(2) to (5), as inserted by Section 15(13) of the MoO (Scotland) Act

8.2 The process for dealing with appeals against recall is shown in Annexe 6. It should be noted that SPS has no authority over appeals and SPS is legally required to carry out the directions of the Parole Board in the case of all appeals.

Role of Criminal Justice Social Work

This section provides guidance for local authority criminal justice social work staff on the power in section 15 of the Act to release prisoners on licence, subject to Home Detention Curfew (HDC). These powers will be exercised by the Scottish Prison Service on behalf of Scottish Ministers, but require the involvement of local authority staff in the assessment of suitability and may involve supervision of the offender.

The assessment of prisoners for release on HDC is a two-part process. SPS will first assess the prisoner against the statutory criteria for HDC and against a series of risk factors. Only if SPS considers that the prisoner may be suitable for release on HDC will they commission a Community Assessment.

The legislation also permits additional conditions to be added to the licence along with the standard conditions and the curfew condition. These may include supervision by a local authority officer, in the same way as for parole licences (NB this is not a standard condition). The legislation does not limit the range of conditions that can be included, but requires that regard is had to the three statutory considerations. The conditions should be justifiable on the grounds of public protection, reducing reoffending and/or reintegration. The need for additional conditions will be identified and agreed during the assessment process.

1. Community Assessment

1.1. Where it appears the prisoner would qualify for release on HDC, the proposed curfew address should be assessed for suitability. This assessment will be carried out by local authority Criminal Justice Social Work Services. The assessment also allows the need for special curfew hours and additional conditions to be assessed.

1.2. The assessment will be commissioned by SPS by sending the appropriate local authority a Community Assessment Request (form HDC 2a). This will be accompanied by the prisoner's application (form HDC 1), stating the proposed release address. CJSW are responsible for checking the proposed address to obtain the views of those likely to be affected by the enforced restriction of the prisoner (on curfew) This assessment should include:

- a summary of the accommodation (e.g. electricity supply, size, etc);
- a summary of domestic/family responsibilities;
- a description of regular activities in which the prisoner needs to take part;
- a report on any relationship/victim issues;
- the views of those likely to be affected by the enforced presence of the prisoner; and
- any other issues the social worker considers relevant.

1.3. The assessment should also take account of risk factors identified from additional information available to Social Work (e.g. Social Enquiry Reports;

historical records, etc). For example, a history of non-compliance with probation, community service or other disposals would not necessarily be evident to SPS and should be flagged up in the assessment as a risk factor. It should, however, be noted that CJSW are not responsible for deciding whether a prisoner should be released on HDC - that decision is made by SPS management, using all relevant facts from appropriate sources, including the information provided by CJSW. A request to produce a Community Assessment should not be taken to imply that SPS has already decided that the prisoner is definitely suitable for release.

1.4. In cases where SPS consider that additional licence conditions may be appropriate, these will be included on the HDC Community Assessment request. This will allow CJSW Services the opportunity to assess the appropriateness of the condition and, where relevant, their ability to monitor such conditions in the community. The Community Social Work member of staff may also wish to highlight a need for additional conditions and may do so as part of the Community Assessment. As with the decision on release, the decision on conditions rests with SPS. However, as a matter of policy, SPS will not include a condition in a licence that directly affects a local authority, without the agreement of that authority.

1.5. CJSW Services should complete the HDC Community Assessment within 15 days of the request. This is particularly important for prisoners serving very short sentences, such as three months as the period spent in custody prior to eligibility for release on HDC may be as little as 4 weeks, and a late decision on eligibility may prevent the prisoner from being released on HDC altogether. SPS will monitor whether assessments are being completed on time.

1.6. Except where conditions involving the local authority, i.e. a supervision condition, are included in the HDC licence, the return of the HDC Community Assessment concludes CJSW involvement in the process. Decisions on release will be taken by SPS, and if the prisoner is released on HDC the curfew condition will be monitored by the electronic monitoring company.

1.7. Where SPS are considering use of a supervision condition, this will be identified on Form HDC 2a, and CJSW are invited to assess the suitability of the condition in the same way as for other non-standard conditions. To allow a supervising officer to be identified, any decision to release on a licence including a supervision condition should, if possible, be made at least four weeks in advance. Every effort should be made to adhere to this timescale, however practical considerations may - on occasion - result in notification of release being issued less than four weeks in advance (particularly for prisoners who have very short sentences).

1.8. Where SPS or CJSW wish to include a non-standard condition such as a condition of alcohol or drugs counselling, delivered by the authority or a third party, it is expected that a supervision condition would also be included in the licence.

2. Supervision

2.1. Where a licence includes a supervision condition as described above, CJSW will receive a copy of the full HDC licence. The supervising officer should adhere to the National Standards for Throughcare as they relate to parole licences subject to the following modifications -

- Any formal reports which would otherwise be sent to the Scottish Executive Justice Department should be sent to SPS
- In the event of non-compliance which would otherwise result in a formal warning (Para 240), the circumstances should be reported to SPS, who will determine whether to issue a warning or recall the offender.

2.2. The licence conditions may be varied by SPS. Where the supervising officer wishes to vary the licence conditions, he or she should notify SPS. SPS will notify the supervising officer of any change to the licence conditions.

3. Breaches of licence

3.1. In cases where non-standard licence conditions that require supervision apply, CJSW should monitor compliance and report instances of non-compliance to SPS. As with breaches of standard conditions, SPS management will make the decision on whether or not the breach merits a recall to custody.

3.2. The supervising officer should adhere to the National Standards for Throughcare as they relate to parole licences subject to the following modifications-

- Any formal reports which would otherwise be sent to the Scottish Executive Justice Department should be sent to SPS;
- In the event of non-compliance which would otherwise result in a formal warning the circumstances should be reported to SPS, who will determine whether to issue a warning or recall the offender.

3.3. The supervising officer is not responsible for compliance with the curfew condition, which is monitored separately. The electronic monitoring company is responsible for reporting all failures to comply. Where a non-standard condition such as a condition of alcohol or drugs counselling has been backed up by a supervision condition, any failure to comply with that condition should be reported to the supervising officer and the supervising officer would in turn report it to SPS as described below.

3.4. When a prisoner breaches his/her licence conditions, SPS has the authority to revoke the HDC licence and recall the prisoner to custody. Serious breaches will result in the prisoner being recalled. However, in cases where breaches are less serious, SPS may still recall the prisoner should a pattern of non-compliance with the HDC licence become apparent. Where the licence has included a supervision condition, SPS will notify the supervising officer of the recall.

4. Appeal against recall

4.1. Prisoners whose HDC licence has been revoked have the right of appeal against the decision to return them to custody. The prisoner must make written representation to Scottish Ministers (in practice, the SPS) who must refer all appeals to the Parole Board for Scotland. The Parole Board may hold an oral hearing to determine the appeal. Where the licence has included a supervision condition, the revocation may result from information provided to SPS by the supervising officer. In such cases, the supervising officer may be invited to give evidence at any hearing, and the guidance on attendance at oral hearings for parole cases should be applied.

Role of Police

1. Release notification

1.1. Police contact points are available for all Police areas. SPS will ensure notification is received within the agreed timescales. The communications should be completed electronically.

1.2. Any permanent changes, necessitating the production of a new licence for a specific prisoner, would also be sent from SPS to the Police contact point. Other circumstances in which the licence might be amended may result from a change to conditions of licence, where for example, the prisoner received a warning for non-satisfactory compliance.

2. Detention of Offenders Wearing Electronic Tags

2.1. Occasionally the police may detain an offender wearing an electronic tag. Depending on the circumstances, this may be prima facie evidence of a breach of conditions. However unless the offender has volunteered information it will not be obvious at this stage whether the offender is on Home Detention Curfew, Restriction of Liberty Order or other form of electronic monitoring. The PNC check should ensure a description of electronic monitoring conditions is available. The Police should ensure that SPS and the contractor are informed if a person on HDC licence is taken into Police custody. This should be done by the Custody Officer at the time of detention or by the Enquiry officer on the instructions of the Custody Officer.

2.2. The Police will have no powers to arrest an individual found overtly breaching their curfew conditions unless that individual is committing an offence for which there is a power of arrest. In the above circumstances a report should be submitted to the P.F. the next lawful day containing details of the prisoner's curfew conditions. Prisoners should appear as a custody if possible.

2.3. If an individual commits an offence for which there is no power of arrest, their breach of curfew conditions are not treated in the same way as a breach of bail and the offender should not be arrested. A report should however be submitted to the P.F. the next lawful day and the SPS should be contacted and advised of the circumstances.

2.4. Where an offender is taken into custody, current practice is that electronic tags are removed for health and safety reasons. The Police custody officer should ensure that the contractor is made aware that the tag has been removed to enable the contractor to collect the tag from the relevant police office.

2.5. The Contractor and SPS should also be informed if the offender is due to be released from custody, in order that arrangements can be made to have the offender retagged. Depending on the circumstances of the case, SPS may have revoked the HDC licence and issued an order for the recall of the offender to custody. In such circumstances the offender should not be released. Arrangements may need to be made with SPS for the recall order to be delivered to the police at short notice.

2.6. The Police can also report offenders on HDC to SPS if they believe the offender poses a risk to the public or has otherwise breached a condition to be of good behaviour. SPS may require further information from the police to justify a decision to recall. It is envisaged that this process will be the same as that used for parole, except that the notification would be to SPS rather than the Scottish Executive Justice Department.

3. Curfew Compliance Reports

3.1. Police may request a curfew compliance report from the electronic monitoring company to support the investigation of offences, which might involve the prisoner. In current electronic monitoring cases where the police suspect that the offender has been involved in an offence, they make a request for relevant information via the force data protection officer, quoting the relevant part of the Data Protection Act. Applications made in this manner are in line with data protection legislation. If this process is not followed, the information may only be released with the express permission of the offender or where a warrant requiring the information has provided. The information is held in electronic form and the Data Protection Act applies. We envisage that the same arrangement would apply for Home Detention Curfew as for other offenders subject to electronic monitoring.

4. Recall

4.1. Where the SPS revoke the HDC licence and issue a recall order, the police contact officer shall be notified and arrangements will be made to apprehend the prisoner, unlawfully at large from date of revocation, and return him or her to the liberating establishment, identified by the SPS contact.

4.2. While it would be lawful for the police to detain the offender without a warrant, normal practice in parole cases is for the recall order to be in the hands of the police before action is taken on it. Depending on the urgency of the case, the order will either be despatched by post or can be faxed or collected from the prison. Revocation and recall decisions will be taken by the prison establishment from which the offender is released, which may of course be some distance from the address to which the offender is curfewed. In cases of urgency, arrangements can be made for the recall order to be issued at an establishment convenient for the police force. Within the protocol for Prioritisation of Warrants, orders for recall to custody should be treated as High Priority.

5. Damage to Equipment

5.1. On rare occasions the Police may be asked to investigate any complaint made by the contractor with regards to the disposal of or damage to any of the monitoring equipment, as is the case in all electronic monitoring orders.

Role of Electronic Monitoring Contractor (Serco Ltd.)

Serco Ltd were awarded the contract for the provision of electronic monitoring services in Scotland with effect from 1 April 2006. The contract will run for 5 years in the first instance.

Contact details are as follows:

Serco Ltd
1 Langlands Gate
Langlands Business Park
East Kilbride
G75 0ZY

Tel: 0800 288 9880
Fax: 0870 428 3423

1. Notification of licence

1.1 SPS will notify Serco of a prisoner's release on HDC. This notification should be at least 7 days before the date of release. Serco will check the day before to ascertain whether SPS list is still correct. To assist with implementation SPS will inform Serco of all those sent for community assessment. This will provide Serco with a baseline figure each week.

1.2 SPS will FAX a copy of the HDC licence to Serco 7 days prior to the prisoner's release. Information on risk etc will also be FAXED to Serco at this time. If there are any details missing which Serco require, Serco will contact SPS to ascertain the correct details.

2. Installation

2.1 Serco will install the monitoring equipment within the first 3 hours of the first curfew period.

2.2 If the prisoner is not at the curfew address when Serco attend to install the equipment, Serco will make one further attempt to install the equipment. This attempt will be within 1 and 2 hours after the first attempt.

2.3 If both attempts to install the equipment have been unsuccessful due to the absence of the prisoner from the curfew address, Serco will telephone SPS within 30 minutes of the second attempt to advise of the failure to install the equipment. Serco will then FAX a written report providing the details of the installation attempts and reason for failing to install the equipment to SPS within 2 hours of the second attempt to install. The written report will be copied to the supervising social worker (if one has been appointed) within the same timescales.

2.4 If Serco have been unable to install the monitoring equipment because the person refuses to be monitored, Serco will telephone SPS within 30 minutes of the attempt to install the equipment. Serco will then FAX a written report to SPS, providing details of the installation attempt and reason for failing to install the equipment within 2 hours of the attempt to install. The written report will be copied to the supervising social worker (if one has been appointed) within the same timescales.

3 Breach of curfew condition

Types of breach

Breach of the curfew condition can be either an absence from the place of curfew during the curfew period, presence at an address the prisoner is curfewed away from, or intentional damage to the electronic monitoring condition.

3 Action taken by Serco in respect of an absence during a curfew period.

3.1 In the event that the prisoner fails to return to the curfew address at the start of the curfew period, or leaves the curfew address during the curfew period, Serco will:

- Take no action if the absence is for less than 2 minutes
- Telephone the curfew address within a further 15 minutes if the absence lasts for 1 hour
- Telephone the curfew address within 15 minutes of notification of the prisoners return to the curfew address

3.2 If the prisoner denies the absence, Serco will:

- Visit the same evening if the visit can be made prior to 10.00pm, or within the first hour of the next restriction period to check the equipment

3.3 If a problem with the equipment is identified, Serco will:

- Take steps to identify the cause of the problem and to rectify it
- Replace the equipment if required within 24 hours

3.4 If no problem with the equipment is identified, if the prisoner admits to the absence, or if the prisoner fails to answer the telephone when the system shows he or she is in the curfew address, breach action will be taken as detailed below.

4 Action taken by Serco in respect of a presence at a restricted address

4.1 In the event that the prisoner's tag is picked up in the vicinity of an address he or she is restricted away from, Serco will:

- Telephone the person staying at the restricted address within 15 minutes of notification that the prisoner is in the vicinity to determine if the prisoner is within the address

- Speak to the prisoner if he or she is at the restriction address, advising them that they are breaching the terms of their HDC and they should leave immediately
- Instigate immediate breach action.

5 Action taken by Serco in respect of equipment damage

5.1 In the event of a tamper alert (notification that the electronic tag has been interfered with in some way), Serco will:

- Telephone the prisoner within 15 minutes of the tamper alert to establish the reason,
- Visit within 2 hours to check the tag, investigate the cause of the tamper alert and change as required

5.2 If the equipment damage was caused intentionally Serco will:

- Instigate immediate breach action

Levels of breach

There are 3 levels of breach. Each level requires a different response from Serco. Details of the different levels of breach can be found in the SPS Operational Guidance for HDC.

6 Level 1

6.1 Where Level 1 breach is notified, Serco will:

- Telephone SPS within 1 hour of the breach being notified.
- FAX a written breach report to SPS within 24 hours of the breach being notified. This report will contain details of the type of breach reported, the time of the breach and details of any investigations undertaken by Serco into the breach.

7 Level 2

7.1 Where Level 2 breach is notified, Serco will:

- Send a warning letter to the prisoner within 24 hours, copied to SPS and the supervising social worker (if appointed).
- Instigate immediate breach action (as detailed for a Level 1 breach) on the occurrence of a second or subsequent Level 2 breach within 84 days.

8 Level 3

8.1 Where a Level 3 breach is notified, Serco will:

- Telephone SPS within 30 minutes of the breach being notified.

- FAX a written report to SPS within 2 hours of the breach being notified, copied to the supervising social worker (if appointed).

9 Changes of address

9.1 Only the SPS may sanction a change to the curfew address for a prisoner. If a prisoner contacts Serco to advise they wish to change address, or to advise that he or she has had to leave the curfew address (whether of their own volition or not), Serco will advise the prisoner to contact SPS. Serco has no discretion to agree to changes of address for whatever reason. If the prisoner fails to return to the curfew address for the start of the curfew, or leaves the curfew address during the curfew period, Serco will undertake breach action as detailed above.

10 Variations to HDC licence

10.1 Only the SPS may change the conditions of an HDC licence. This applies to changes of address and changes of curfew hours. If the prisoner contacts Serco to request a change of licence conditions, Serco will advise the prisoner to contact SPS.

Summary of Roles, Responsibilities and Contact Protocols

Section One Scottish Executive - Contract Manager

- 1.1 Management of Performance Contract with Serco Ltd.
- 1.2 Co-ordinate quarterly performance meetings with SPS/Serco Ltd.
- 1.3 Communication/ Media Handling Strategy

Sharon Grant Scottish Executive Justice Department Community Justice Services division Ground West Rear St Andrew's House Regent Road Edinburgh EH1 3DG 0131 244 3514 sharon.grant@scotland.gsi.gov.uk	Jackie Knox Scottish Executive Justice Department Community Justice Services Ground West Rear St Andrew's House Regent Road Edinburgh EH1 3DG 0131 244 3662 Jackie.knox@scotland.gsi.gov.uk
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Section Two Serco Ltd (As provided in Statement of Service Requirements Document D to QLC/2/3/31)

2.1 Service Provider

Compliance with contract – staffing, equipment, process.

2.2 Electronic Monitoring of Curfew period

Equipment fit for purpose.
Monitoring of curfew conditions effectively and efficiently
Staffing resource to deliver contract deliverables

2.3 Breach Procedures -

Submit reports of breaches to SPS in line with contract deliverables

Serco Ltd. 1 Langlands Gate Langlands Business Park East Kilbride G75 OZY	Tel: 0800 288 9880 Fax: 0870 428 3423
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Section 3 Scottish Prison Service

3.1 Risk assessment process

- Identification of potentially eligible prisoners
- Assessment against statutory criteria
- Assessment against SPS selection criteria
- Co-ordination of CJSW Community assessment
- Management decision
- Link to Police (Visor)

3.2 Release on HDC

- Standard and non-standard licence conditions
- Communication/notification with Serco
- Communication/notification with prisoner
- Communication/notification with Police

3.3 Appeal against decision to release

Appeals process through Internal Complaints Procedure (CP)

3.4 Breach and recall process

- Action of breach process in partnership with Police/Serco/CJSW
- Decision on breach.
- Instigate recall procedures
- Communications with Police/Serco/CJSW
- Inform prisoner of reasons for recall
- If prisoner wishes to appeal decision to recall, SPS compile dossier to Parole Board
- Abide by Parole Boards decision

3.5 Communication/Media Handling process

<p>Michael Stoney Scottish prison Service SPS Headquarters Calton House Redheughs rigg Edinburgh</p> <p>0131 244 8633 Michael.Stoney@sps.gov.uk</p>	<p>Kevin Gallagher Scottish Prison Service SPS Headquarters Calton House Redheughs rigg Edinburgh</p> <p>0131 244 4118 Kevin.Gallagher@sps.gov.uk</p>
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Main HDC Contact by Establishment

Establishment	Primary HDC Contact	Telephone	Fax
HMP Aberdeen	Ruth Dewar	01224 238328	01224 896209 Ruth.Dewar@sps.gov.uk
HMP Barlinnie	Susan Hunter	0141 7702016	0141 770 2016 (8-1630) 0141 770 2025 (other) Susan.Hunter@sps.gov.uk
HMP YOI Cornton Vale	Sandra Travis	01768 835303	01786 835 391 Sandra.Travis@sps.gov.uk
HMP Dumfries	Beth Weir	01387 274303	01387 264144 Beth.Weir@sps.gov.uk
HMP Edinburgh	Ian [John] Lawlor	0131 444 5225	0131 444 3045 John.Lawlor@sps.gov.uk
HMP Greenock	Malcolm Montgomery	01475 883319	01475 883316 Malcolm.Montgomery@sps.gov.uk
HMP Inverness	Ron Lyon	01463 229045	01463 229010 Ronald.Lyon@sps.gov.uk
HMP Kilmarnock	Stuart Nelson	01563 548910	01563 548869 mabrown@premier-serco.com
HMP Low Moss	Correne Kidd	0141 762 5816/7	0141 762 6903 Correne.Kidd@sps.gov.uk
Open Estate	Nancy Bell	01382 319302	Nancy.Bell@sps.gov.uk
HMP Perth	Diane Donaldson	01738 622293 (ext363)	01738 442810 Diane.Donaldson@sps.gov.uk
HM YOI Polmont	Gillian Lawrie	01324 722367	01324 722342 Gillian.Lawrie@sps.gov.uk

Section Four Criminal Justice Social Work

4.1 Community Assessment Process

CJSW Community assessment – based on contact with family/address.
Input non-standard conditions
15 day turnaround from receipt to return to SPS

4.2 Release on HDC

Deliver and monitor non-standard conditions
Communicate breaches to SPS

Anne Pinkman
Head of Criminal Justice Services
Criminal Justice services
Wolfcraig
1 Dumbarton Road
Stirling
FK8 2LQ

Telephone: 01786 463812
Fax: 01786 443850
Email: pinkmana@stirling.gov.uk

CJSW Contacts

Local Authority	Address/Phone number	E-Mail for receiving HDC requests	Secure Link
Aberdeenshire	(North) 88 King Street, Peterhead, AB42 1HH T:01779 490904 F:01779476435	(North) john.munro@aberdeenshire.gov.uk	No
	(South) 56 Cameron Street, Stonehaven, AB392HE T:01569 767553 F:01569 767906	(South) fiona.westland@aberdeenshire.gov.uk	No
Aberdeen City Council	Aberdeen City Council, Neighbourhood Services (North), criminal Justice Social Work, Exchequer House, 3 Exchequer Row, Aberdeen, AB11 5BW T:01224 765000 F: 01224 576109	Nyoungson@aberdeencity.gov.uk	No
Angus Council	9 Fergus Square, Arbroath, Angus Council, DD11 3DG T: 01241 871161 F: 01241 431898	Anguscriminaljustice@angus.gov.uk	Yes
Argyle & Bute Council	Criminal Justice Office, West Dunbartonshire Council, Municipal Buildings, Station Road, Dumbarton G82 1QA T: 01389 738484 F: 01389 738480	Maureen.livingstone@west-dunbarton.gov.uk Initial contact craig.steven@west-dunbarton.gov.uk	No Currently setting up
East Ayrshire Council	Rachel Houston, Social Work Department, 43/49 John Finnie Street, Kilmarnock KA1 1BL Tel No: 01563 539888 F: 01563 538055	Rachel.houston@east-ayrshire.gov.uk	No
North Ayrshire Council	Criminal Justice Social Work, 60 Bank Street, Irvine, KA12 0LP Tel No: 01292 289749 F: 01292 260065	Jackie.hamilton@north-ayrshire.gov.uk	NO
South Ayrshire Council	MacAdam House, 34 Charlotte Street, AYR, KA7 1EA Tel No: 01292 289749 F: 01292 260065	Rachelle.main@south-ayrshire.gov.uk	YES
Clackmannanshire Council	Unit 6, The Alloa Trade Centre, Bruce Street, Alloa, FK10 1RX Tel No: 01259 721069 F: 01259 723998	Asmillie@clacks.gov.uk	YES
Dumfries & Galloway Council	Claverhouse, 117 High Street, Kirkcudbright, DG6 4UU Tel No: 01387 262409 F: 01387 262 431	RonM@dumgal.gov.uk	YES

East Dunbartonshire Council	Criminal Justice Office, West Dunbartonshire Council, Municipal Buildings, Station Road, Dumbarton G82 1QA Tel No: 01389 738484 F: 01389 738480	Maureen.livingstone@west-dunbarton.gov.uk Initial contact craig.steven@west-dunbarton.gov.uk	NO Currently setting up a secure link and will advise when established
West Dunbartonshire Council	Criminal Justice Office, West Dunbartonshire Council, Municipal Buildings, Station Road, Dumbarton G82 1QA Tel No: 01389 738484 F: 01389 738480	Maureen.livingstone@west-dunbarton.gov.uk Initial contact craig.steven@west-dunbarton.gov.uk	NO Currently setting up a secure link and will advise when established
Dundee City Council	Friarfield House, Barrack Street, Dundee, DD1 1PQ Tel No: 01382 435034 F:01382 435032	Courtadmin.friarfield@dundeecity.gov.uk	NO, however this will be rectified by the end of the month
City of Edinburgh Council	Don Millar, Assistant Criminal Justice Manager, Health & Social Care HQ, Shrubhill House, Shrub Place, Edinburgh EH7 4PD Tel No: 0131 553 8212 F: 0131 554 0838	Don.millar@edinburgh.gov.uk	NO
Falkirk Council	Criminal Justice Service, Brockville, Hope Street, Falkirk, FK1 5RW Tel No: 01324 506464 F: 01324 506401	Work is ongoing to set up a secure "mailbox" for court and other transactions. Will advise when this is completed. Temporary nick.burgess@falkirk.gsx.gov.uk	No
Fife Council	Fiona Rattray, Team Leader – Throughcare, Criminal Justice Services, Rannoch House, 2 Comely Park, Dunfermline, KY12 7HU Tel No: 01383 312166 F: 01383 312134	Fiona.rattray@fife.gov.uk	No
Glasgow Council	Robert Fyfe, Operations Manager, Court Social Work Team, Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA Tel No: 0141 429 6830 F: 0141 429 1703	Robert.fyfe@sw.glasgow.gov.uk	YES

Highland Council	Team Manager (North), Station Road, Dingwall, Ross-shire, IV15 9JX Tel No: 01349 865600	Bill.rainnie@highland.gov.uk	YES
Inverclyde Council	Gordon Aitken, Criminal Justice Services, 2 nd Floor, 99 Dalrymple Street, Greenock, RA15 1HU Tel No: 01475 714500 F: 01475 714515	Gordon.aitken@inverclyde.gov.uk	YES
North Lanarkshire Council	Lillian Cringles, Justice Service, Co-ordinator, Scott House, 77 Merry Street, Motherwell, ML1 Tel No: 01698 332195 F:01698 332634	Cringlesl@northlan.gov.uk	YES
South Lanarkshire Council	Lillian Cringles, Justice Service, Co-ordinator, Scott House, 77 Merry Street, Motherwell, ML1 Tel No: 01698 332100 F:01698 332634	Cringlesl@northlan.gov.uk	YES
East Lothian Council	Tricia Kaminski, Team Leader, Criminal Justice, 6-8 Lodge Street, Haddington, East Lothian EH41 3DX Tel No: 01620 825393/827939 F: 01620 826345	Pkaminski@eastlothian.gov.uk For incoming work:- scrighon@eastlothian.gov.uk	YES NO
West Lothian Council	Linda Probka, Team Manager, Criminal Justice Team, Lomond House, Beveridge Square, Livingston, West Lothian, EH54 6QF Tel No: 01506 775900 F: 01506 775925	linda.probka@westlothian.gov.uk	YES
Midlothian Council	Ian Neil, Service Manager, Criminal Justice Team, Dalkeith Social Work Centre, 11 St Andrews Street, Dalkeith, EH22 1AL Tel No: 0131 271 3860 F: 0131 660 6792	Matthew.dunn@midlothian.gov.uk Please copy to:- ian.neil@midlothian.gov.uk	No
Moray Council	9 North Guildry Street, Elgin, IV30 1JR Tel No: 01343 557200 F: 01343 557201	Tish.carter@comm.moray.gov.uk Janet.laing@comm.moray.gov.uk Rosemary.clark@comm.moray.gov.uk	NO
Orkney Islands Council	Criminal Justice Section, Council Offices, School Place, Kirkwall KW15 1NY Tel No: 01856 873535 F:01856 886453	In order to ensure any request was picked up quickly in the event of an individual being absent, the request should go to:- Jon.humphreys@orkney.gov.uk Tracy.wards@orkney.gov.uk Fiona.macnab@orkney.gov.uk	NO
Perth & Kinross Council	Criminal Justice Service, Unit 45, St.Martin's House North, King Edward Street, Perth, PH1 5YT	jnewton@pkc.gov.uk	No

	Tel No: 01738 444244 F: 01738 444250		
Renfrewshire Council	Gordon Aitken, Criminal Justice Services, 2 nd Floor, 99 Dalvymple Street, Greenock RA15 1HU Tel No: 01475 714500 F: 01475 714515	Gordon.aitken@inverclyde.gov.uk	YES
East Renfrewshire Council	Jonathan Hinds, CJ Team Manager, ER Criminal Justice Social Work Services, Council Offices, 211 Main Street, Barrhead, G78 1SY Tel No: 0141 577 8337 F: 0141 577 8342	Jonathan.hinds@eastrenfrewshire.gov.uk	YES
Scottish Borders Council	13/14 Paton Street, Galashiels, TD1 3AT Tel No: 01896 661400 F: 01896 661401	DKeates@scotborders.gsx.gov.uk	YES
Shetlands Islands Council	Denise Morgan, CJ Services Manager, Shetland Islands Council, Criminal Justice Unit, 91-93 St Olaf Street, Lerwick, Shetland, ZE1 0ES Tel No: 01595 744400 F: 01595 744445	Denise.morgan@sic.shetland.gov.uk	NO
Stirling Council	Wolfcraig Building, 1 Dumbarton Road, Stirling, FK8 2LQ Tel No: 01786 463812 F: 01786 443850	criminaljustice@stirling.gsx.gov.uk	YES
Western Isles Council	Council Buildings, Sandwick Road, Stornaway, Isle of Lewis, HS20 0BB T: 01851 709341 F: 01851 709532	margaret.macleod@cne-siar.gov.uk margaret.macdonald@cne-siar.gov.uk	NO

Section Five Police

- 5.1 Transfer of recalled prisoners to holding cells.
- 5.2 Liaise with Reliance Prison Escort Service to transfer to SPS
- 5.3 Communication with Serco and SPS
- 5.4 Central contact points for all Police Forces
- 5.5 Report to SPS if prisoner is concerning them

<p>William Manson Detective Superintendent Management of Offenders Act Implementation Team Kilsyth Police Station Parkfoot Street Kilsyth G65 OSW</p> <p>Telephone: 0141 582 1087 Email: william.manson@spis.pnn.police.uk</p>	<p>Scott Jeffrey Detective Sergeant Management of Offenders Act Implementation Team Kilsyth Police Station Parkfoot Street Kilsyth G65 OSW</p> <p>Telephone: 0141 582 1088 Email: scott.jeffrey@spis.pnn.police.uk</p>
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Police Contacts

LOTHIAN AND BORDERS	Tel. 0131 311 3327	Fax 0131 343 3896	Email criminal.intelligence@lbp.pnn.police.uk
STRATHCLYDE POLICE	Tel. 0141 532 5867	Fax 0141 532 2379	Email fib@strathclyde.pnn.police.uk
NORTHERN CONSTABULARY	Tel 01463 720271	Fax 01463 718524	Email fib@northern.pnn.police.uk
GRAMPIAN POLICE	Tel 01224306142	Fax 01224306009	Email fis@grampian.pnn.police.uk
TAYSIDE POLICE	Tel 01382596463	Fax 01382596479	Email fib@tayside.pnn.police.uk
CENTRAL SCOTLAND	Tel 01786456495	Fax 01786456888	Email fib@centralscotland.pnn.police.uk
DUMFRIES & GALLOWAY	Tel 01387 242231	Fax	Email fib2@dumfrieseandgalloway.pnn.police.uk
FIFE CONSTABULARY	Tel 01592 418575	Fax 01592 411919	Email fcio@fife.pnn.police.uk

Section Six Parole Board

6.1 Appeal against recall procedure

Review individual cases of appeal

Decision on recall

Communicate decision to SPS

Jane Richardson
Scottish Executive
Head of Parole And Life Sentence Review Division
Room 2-W-05
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Telephone: 0131 244 8528

Email: Jane.Richardson@scotland.gsi.gov.uk

List of Annexes and Documentation

1. Statutory Exclusions and Scottish Prison Service Risk Factors
2. Standard and Non-standard conditions

Copies of all Documentation

HDC 1- Application Form

HDC 2a - Community Assessment Request

HDC 2b - Community Assessment Report

HDC 3- Assessment Dossier

HDC 4a-d - SPS Letters

HDC licence - Copy of Licence issued to prisoner

HDC 5a - Recall: Police Notification

HDC 5b - Recall: Prisoner Notification

HDC 6 - Notification of HDC Release (SPS to serco)

HDC 7 - Breach notification – Police to SPS

HDC 8 – Breach notification – Serco to SPS

Statutory Exclusions

The Management of Offenders (Scotland) Act, {Section 15(5) (5)} the Prisoners and Criminal proceedings (Scotland) Act 1993 (c.9) has been amended to include Section 3AA which sets out the following exclusions. Prisoners who;

1. are required to register as sex offenders;
2. are subject to an extended sentence;
3. are subject to a supervised release order;
4. are subject to a hospital direction;
5. have previously been recalled from licence; and/or
6. are awaiting deportation

will not be eligible for release on HDC under any circumstances.

Prisoners sentenced to less than three months are not eligible for the scheme.

Scottish Prison Service Risk Factors

The following static factors will form part of the risk assessment process. In most cases where the following apply, the risk(s) presented may be considered significant enough to prevent release on HDC. It is important, however, to remember these factors do not in themselves exclude the prisoner from HDC; it is the risk(s) associated with these factors that must be taken into account. SPS may, therefore, face a number of challenges from prisoners refused HDC through the risk assessment process.

1. History of sexual offending

This may be information that is available through ViSOR or from previous convictions. The type of offence and the time lapse between previous and current offences should be taken into account.

2. Schedule 1 offenders

Current and/or previous offences should be taken into account. Again, time lapse and type of offence should be considered.

3. History of domestic violence

If information is available – most likely to be included within social enquiry reports. May be additional information provided by Community Assessment. Particular care should be taken when the victim of domestic violence is residing at the curfew address.

4. Bail aggravation

Consistency of approach is required here between establishments. All cases should be judged on individual factors. The nature of the aggravation should be taken into account; the risks associated with a prisoner who has committed assault while on bail would be greater than those associated with a prisoner who has committed a lesser crime such as theft. Previous bail aggravation should not be used as an automatic refusal to grant HDC.

5. Non-compliance with previous licence (s)

Information may be available on the prisoner's history of compliance with previous licences such as Drug Testing Treatment Order or Restriction of Liberty Order from the court. Although not technically treated as licences – and therefore not treated as statutory exclusions – it may be the case that a [prisoner has failed to complete community service or probation orders in the past. This may be useful in establishing the risks associated with the prisoner complying with the HDC licence. The frequency and time lapse should be taken into account.

6. failure to engage in Core Screen and Community Integration Plan, including accessing interventions

This will be based on feedback from links centre staff and all relevant service providers on the prisoner's response to treatment and interventions regarding attitude and motivation.

7. History of adverse behaviour while in prison

This will be based on local/personal knowledge of the prisoner. The key here is not to focus on how a prisoner has behaved while in the controlled environment of a prison, rather to assess how demonstrated behaviours could predict the risk of re-offending or causing harm while on HDC licence. Examples of such behaviour may be;

- Drug use while in prison;
- Evidence the prisoner is/has been concerned in the supply of drugs in prison;
- Violent behaviour (threatening or actual) towards other prisoners;
- Violent behaviour (threatening or actual) towards prison staff;
- Evidence of self-harming;
- Regular displays of anger;
- Serious breaches of discipline (concerted) ; and
- Problems during visits

Other dynamic factors may be taken into account on a case by case basis, based on local knowledge of the prisoner and his/her background.

Standard and Non - Standard Conditions

1. Standard Conditions

- to remain for specified periods of time at a specified place or to stay away for specified periods of time from a specified place
- be of good behaviour and keep the peace;
- not commit any offence and not take any action which would jeopardise the objectives of your release on licence (i.e. protect the public, prevent re - offending and secure successful reintegration into the community);
- not tamper with or intentionally damage the device(s) or knowingly allow it to be tampered with or intentionally damaged; and
- allow access to the specified address to the electronic monitoring service provider to install and check electronic monitoring equipment.

2. Non-Standard Conditions (examples only)

- Regularly attend and complete the Alcohol Treatment Programme on which your Criminal Justice Social Worker has arranged a placement for you
- Regularly attend and complete the relationship counselling course on which you Criminal Justice Social Worker has arranged a placement for you

DOCUMENTATION

- HDC 1 - Application Form
- HDC 2a - Community Assessment Request
- HDC 2b - Community Assessment Report
- HDC 3 - Assessment Dossier – to be added
- HDC 4a-c - Draft Letters / Licence
- HDC 5a - Recall: Police Notification
- HDC 5b - Recall: Prisoner Notification
- HDC 6 - Notification of HDC Release (SPS to serco) – to be added
- HDC 7 - Notification of Breach – Police to SPS
- HDC 8 - Notification of breach – Serco to SPS

FORM HDC 1

Information on Release Address

(To be completed by Prisoner)

Last Name: _____ First Name(s): _____ Prison No: _____ _____
Establishment: _____ Hall: _____

(All information is to be provided directly by the prisoner)		
Proposed address: _____ (include Post Code) _____ _____ _____		
Tel/Mobile No: _____		
Who is the main occupier of this address? _____		
(Criminal Justice Social Work Services may contact this person to discuss the possibility of curfewing you to this address). If it is necessary, what would be the best time for someone from Criminal Justice Social Work Services to call at the address to make enquiries? _____		
If there is no other occupier, i.e. if you live alone, please supply the name, address and telephone number of the landlord (where appropriate). _____		
Name: _____		
Address: _____ _____		
Tel/Mobile No: _____		
If you do not live alone, what is your relationship to person(s) living at your proposed address?		
Name: under 18):	Relationship to you:	Age (if

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you ever been convicted or cautioned for an offence against any of the above, or any neighbours to the above address? If so, please give details.

Please give details of any regular activities that you will undertake on release i.e work, training, regular appointments etc. Please note that social events (including holidays) do not apply.

Type of activity	Time of day (e.g. 3p.m. to 5p.m.)	Frequency (e.g. every Thursday)

I wish / do not wish (*) to be considered for the Home Detention Curfew scheme and the above information is to the best of my knowledge correct.

I am content for the landlord to be contacted (*).

(*) Delete as appropriate

Signature _____ **Date** _____

FORM HDC 2(a)

This document may be disclosed to the offender. (Form HDC 1 must be attached to this form).

To: (LA Contact)		Address	
From:		HM Prison:	
Date for Return to SPS:		Date of Request:	
PRISONER'S DETAILS			
Last Name:		First Name(s):	
DoB:		Prison No:	
HDC Qualification Date:		SCRO No:	
EDL:		Court:	
Offence(s):			

The above named offender is being considered for Home Detention Curfew. Attached is form **HDC 2(b)** requesting details of the proposed release address provided by the prisoner on form **HDC 1**.

Your views are sought on the suitability of the address for Home Detention Curfew. The offender has met the criteria of internal assessment by the SPS and is now eligible for HDC Community Assessment.

N.B. Offenders eligible for the HDC scheme will normally be released on HDC unless the proposed released address is not suitable or if there are extreme circumstances or factors that would make release unwise. Where other persons are living at the proposed address, you should ensure that they understand the nature of the Home Detention Curfew scheme, and the possible impact of the curfew on those living at the address. You should also ensure they have been given the opportunity to raise any issues/concerns they may have. Contact may be in the form of a letter, telephone call or visit, depending on what is appropriate on the basis of the information available to Community Justice Social Work Services.

If the address is deemed suitable, we would wish to impose the following non-standard licence conditions. Please use form HDC 2(b) to confirm that compliance with these conditions can be monitored and describe any additional conditions that you would considered desirable.

FORM HDC 2(b)

Community Assessment Report

(To be completed by CJSW Services)

Prisoner's Last Name: _____ First Name(s): _____ Prison No: _____
Establishment: _____ Hall: _____

1. Accommodation details	
1.1 Does the proposed address have an electricity supply?	yes <input type="checkbox"/> no <input type="checkbox"/>
1.2 Please confirm the type of accommodation: private/council/lodgings/other:	<input type="text"/>
1.3 Was the prisoner resident at this address prior to custody?	yes <input type="checkbox"/> no <input type="checkbox"/>
1.4 If so, how long did the prisoner reside at this address:	<input type="text"/>
1.5 Is this address suitable with regard to facilities/size?	yes <input type="checkbox"/> no <input type="checkbox"/>

2. Activity & responsibility details

2.1 **Family/domestic responsibilities:** Does the prisoner have domestic responsibilities outwith the home, e.g. child care, taking children to school, care of a relative etc?

If YES, please give details below:

2.2 **Any other relevant factors:** e.g. religious practices, regular outpatient treatment. (Note that holidays and social occasions are not relevant for the purpose of setting restriction periods).

If YES, please give details below:

2.3 Please outline relevant regular activities:

Type of activity	Time of day (e.g. 3 pm to 5 pm)	Frequency (e.g. every Thursday)

3. Relationship issues

3.1 Will the prisoner be living alone?

yes no

3.2 If the prisoner lives with other people, or other people live in a dwelling to which the prisoner may be restricted, do any of these people object to the likelihood that the prisoner will be restricted to that address?

yes no

If YES, please give details of the objections:

3.3 Are you aware of any known victim issues that would prevent release to this address?

yes no

If YES, please give details below:

3.4 In addition to a restriction to a specified address, should the prisoner also be considered for restriction AWAY from a specified address?

yes no

If YES, please give details:

4. Summary & comment

4.1 Social Work's assessment of suitability:

4.2 Are there any issues that you wish to draw to the attention of the Governor? yes no

If YES, please give details below:

4.3 Are special curfew hours recommended? yes no

If YES, please give details below:

4.4 Are the suggested non-standard licence conditions [form HDC 2(a)] appropriate? yes no

If NO, please give details below:

4.5 Do CJSW Services wish additional licence conditions considered?

yes no

If YES, please give details below:

I have / have not (*) made contact with the proposed address by letter / visit / telephone (*)

(*) delete as appropriate

If no contact has been made with the proposed address please state why, ie prisoner lives alone

Signed: _____ Name: _____

Date: _____ Grade: _____ Tel No: _____

FORM HDC 4a-1



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Prisoner Name
Prison No
HMP

Dear,

You may be aware of the Home Detention Curfew scheme recently launched in Scotland. Having checked your records, I regret to inform you that, due to the reason(s) detailed below, you will not be eligible for release under this scheme.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended by the Management of Offenders etc (Scotland) Act 2005) provides for early release on the Home Detention Curfew Scheme when a prisoner meets certain conditions. In your case, one or more of these conditions have not been met, specifically:

Enter Statutory Exclusion(s)

.....

.....

.....

The Scottish Prison Service is not required to release prisoners on the Home Detention Curfew scheme who do not satisfy the criteria laid down in the above legislation. This decision is, therefore, final.

Your liberation date will not be affected by this decision.

Yours sincerely

Governor
HMP _____

FORM HDC 4a-2



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Prisoner Name
Prison No
HMP

Dear,

You recently applied to be released early from prison on the Home Detention Curfew scheme. I regret to inform you that, having considered your application in full, I am unable to authorise your release under this scheme.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended by the Management of Offenders etc (Scotland) Act 2005) provides for early release on the Home Detention Curfew Scheme when a prisoner meets certain conditions. In your case, one or more of these conditions have not been met, specifically:

Enter Statutory Exclusion(s)
.....
.....
.....

The Scottish Prison Service is not required to release prisoners on the Home Detention Curfew scheme who do not satisfy the criteria laid down in the above legislation. This decision is, therefore, final.

Your liberation date will not be affected by this decision.

Yours sincerely

Governor
HMP _____



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Prisoner Name
Prison No
HMP

Dear,

You may be aware of the Home Detention Curfew scheme recently launched in Scotland. Having checked your records, I regret to inform you that, due to the reason(s) detailed below, you will not be eligible for release under this scheme.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended by the Management of Offenders etc (Scotland) Act 2005), provides for early release on the Home Detention Curfew Scheme when a prisoner meets certain conditions. The Scottish Prison Service is required to assess the risks posed to yourself and the community should you be released early from prison. Our assessment highlighted significant risk due to:

*Enter summary of SPS Risk Assessment specifying reason(s) prisoner is
considered unsuitable for release on HDC*.....
.....
.....

Should your circumstances change, you may re-apply for release on the Home Detention Curfew scheme at a later date.

Your liberation date will not be affected by this decision.

Yours sincerely

Governor
HMP _____

FORM HDC 4b-2



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Prisoner Name
Prison No
HMP

Dear,

You recently applied to be released early from prison on the Home Detention Curfew scheme. I regret to inform you that, having considered your application in full, I am unable to authorise your release under this scheme.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended by the Management of Offenders etc (Scotland) Act 2005), provides for early release on the Home Detention Curfew Scheme when a prisoner meets certain conditions. The Scottish Prison Service is required to assess the risks posed to yourself and the community should you be released early from prison. Our assessment highlighted significant risk due to:

*Enter summary of SPS Risk Assessment specifying reason(s) prisoner is
considered unsuitable for release on HDC.....*

Should your circumstances change, you may re-apply for release on the Home Detention Curfew scheme at a later date.

Your liberation date will not be affected by this decision.

Yours sincerely

Governor
HMP _____

FORM HDC 4c



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Name
Address
Address
Address

Dear,

You recently applied to be released early from prison on the Home Detention Curfew scheme. Having considered your application in full, I am pleased to confirm your release on the scheme has been authorised from [DATE] subject to the following conditions:

1. You must allow the tagging contractor's staff access to you at [address] between [Date & Time] and [Date & Time] for the purposes of installing electronic monitoring equipment
2. You must be present at [address] each day between the hours XX:XX and YY:YY
3. You must allow the tagging contractor's staff access to you and the electronic monitoring equipment for maintenance purposes
4. You must be of good behaviour and keep the peace
5. You must not commit any offence and not take any action that would jeopardise the objectives of your release on licence
6. You must not tamper with or intentionally damage the electronic monitoring device(s) or knowingly allow it to be tampered with or intentionally damaged

Your compliance with the above conditions will be closely monitored. Failure to comply with all of the above conditions may result in you being arrested and returned to prison.

These conditions apply from [HDC Release Date] to [Earliest Date of Liberation].

Yours sincerely

Governor
HMP _____

FORM HDC 4d



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Name
Address
Address
Address

Dear,

On [Date] you were released from prison on a Home Detention Curfew licence. Your release was subject to the following conditions:

1. You must allow the tagging contractor's staff access to you at [address] between [Date & Time] and [Date & Time] for the purposes of installing electronic monitoring equipment
2. You must be present at [address] each day between the hours XX:XX and YY:YY
3. You must allow the tagging contractor's staff access to you and the electronic monitoring equipment for maintenance purposes
4. You must be of good behaviour and keep the peace
5. You must not commit any offence and not take any action that would jeopardise the objectives of your release on licence
6. You must not tamper with or intentionally damage the electronic monitoring device(s) or knowingly allow it to be tampered with or intentionally damaged

We have been notified that on [Date(s)] you failed to comply with one or more of the above conditions, specifically:

Enter condition(s) with which offender has failed to comply

In accordance with the Prisoners and Criminal Proceedings (Scotland) Act 1993, your licence has been revoked with immediate effect. You are now required to serve the remainder of your sentence in prison.

Yours sincerely

Governor
HMP _____

FORM HDC 5a



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Police Force Intelligence Bureau
Police Address
Police Address
Police Address

Force Intelligence Officer

On [Date], [Offender Name and Date of Birth] was released from prison on a Home Detention Curfew Licence. We have been notified he/she has failed to comply with the conditions of his/her licence.

In accordance with the Prisoners and Criminal Proceedings (Scotland) Act 1993, [Offender's Name]'s licence has been revoked with immediate effect and he/she is therefore now regarded as being unlawfully at large.

He/she should therefore be returned to the custody of HMP _____ as soon as possible. The last known address we hold on record is [Address Details].

Yours sincerely

Governor
HMP _____

FORM HDC 5b



HMP

Address
Address
Address

Direct dialing:
Switchboard:

Date

Name
Address
Address
Address

Dear,

On [Date] you were released from prison on a Home Detention Curfew licence. Your release was subject to the following conditions:

1. You must allow the tagging contractor's staff access to you at [address] between [Date & Time] and [Date & Time] for the purposes of installing electronic monitoring equipment
2. You must be present at [address] each day between the hours XX:XX and YY:YY
3. You must allow the tagging contractor's staff access to you and the electronic monitoring equipment for maintenance purposes
4. You must be of good behaviour and keep the peace
5. You must not commit any offence and not take any action that would jeopardise the objectives of your release on licence
6. You must not tamper with or intentionally damage the electronic monitoring device(s) or knowingly allow it to be tampered with or intentionally damaged

We have been notified that on [Date(s)] you failed to comply with one or more of the above conditions, specifically:

Enter condition(s) with which offender has failed to comply

In accordance with the Prisoners and Criminal Proceedings (Scotland) Act 1993, your licence has been revoked with immediate effect. You are now required to serve the remainder of your sentence in prison (subject to early release).

Yours sincerely

Governor
HMP _____

Form HDC6 (excel spreadsheet) to be inserted

HOME DETENTION CURFEW

SCOTTISH PRISON SERVICE CONTACT LETTER

PARAGRAPH 1- PRISONERS DETAILS

1. Name (Forenames/Maiden Name/Surname)
2. S.C.R.O. Number
3. Age
4. Date of birth
5. Address (Street No. and Name)
6. Address (District)
7. Address (Town)

PARAGRAPH 2- PRISON DETAILS (see appendix c)

8. Prison from which released
9. Prison Address
10. Date released on HDC
11. Date HDC expires

PARAGRAPH 3- SUMMARY OF EVENTS

12. Description of Locus
13. Description of Events

PARAGRAPH 4- Additional Charges

If there are no additional charges please state clearly at the end of the description of events paragraph

14. Charge Details (e.g. Assault, Breach of the peace, etc. Please state clearly if the charges relate to a Domestic Incident)
15. Relevant crime/offence reference number.

PARAGRAPH 5- Court Details

If the prisoner is detained in custody please provide details of court appearance

16. Details of Court.
17. Date appearing in Court.

This letter must be completed as a matter of urgency and prior to the officer reporting off duty on every occasion where a prisoner is in breach of their Home Detention Curfew Conditions.

Form HDC 8

Breach of Electronic Monitoring As a Condition of Home Detention Curfew

Offender Details

Subject ID
Offender Name
Address

Date of Birth

HDC Licence Details

Order made from:
Prison number:
Date licence begins:
Date of Installation:
Date licence ends:

Restriction Schedule

(Details of curfew period {i.e. 1900hrs to 0700hrs})

Breach Details

Date and time of breach:
Category of Breach:
Description of Breach:

TELEPHONE CALLS

From to

Subject ID

Subject Name

Date/time

Event type

Call Direction

Result

{ A full description of all calls to and from control centre and actions taken}

Comment [JK1]: Mike – I am not sure that this is needed. The certification which is required for other em is specified in legislation eg section 245H of the 1995 Act. Sectopm 12AB does not require certification by my reading so this is redundant.

RAW EVENTS

Monitoring Unit ID:

Installed Address:

From to

Date	Description	DeviceID	Event ID
------	-------------	----------	----------

{ A full breakdown of Curfew breaches and systems check}