

Cabinet Secretary for Justice

Michael Matheson MSP

T: 0300 244 4000

E: scottish.ministers@scotland.gsi.gov.uk



Christine Grahame MSP
Convener, Justice Committee
c/o Justice Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP



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Dear Christine,

I was grateful for the opportunity to provide evidence to the Committee last Tuesday 27 January as part of its consideration of the above Bill.

The Scottish Government is committed to ending the current system of automatic early release of prisoners, brought in by the then UK Government in 1993. Our Bill provides a step towards achieving that aim. However, we have stated our willingness to listen to views within Parliament and to relevant stakeholders to improve the current Bill and make further progress towards ending automatic early release.

I have reflected on the issues raised by Committee members during my evidence session last week and the earlier written and oral evidence from stakeholders. In light of this, I think it would be helpful, ahead of the Committee's Stage 1 Report on the Bill, to state clearly the Scottish Government's intentions in response to the issues raised.

Stakeholders, including victims' organisations and academics, have raised particular concern that, following the end of automatic early release, prisoners who are considered by the Parole Board to pose a continuing risk to public safety, could be released from prison at the end of their sentence without a period of supervision in the community. As I explained during my evidence, there are existing arrangements under which a court can impose supervision conditions on offenders which extend beyond the term of their custodial sentence, both for sexual offenders and people convicted of other types of crimes.


However, in light of the concerns raised, I can confirm formally that we will bring forward proposals at Stage 2 of the Bill to guarantee that all long-term offenders, i.e. anyone serving a sentence of 4 years or more for any crime, being released from prison will be subject to a minimum period of compulsory supervision in the community. The focus of such supervision will be on ensuring both the immediate and longer-term protection of public safety.

The question has also been raised whether the ending of automatic early release could be extended to wider categories of prisoners. The current focus of the Bill is on long-term prisoners serving 4 years or more for sexual offences and 10 years or more for other offences. Having considered this issue, I can confirm that we will also bring forward amendments at Stage 2 of the Bill to extend the provisions to end the existing system of automatic early release for all long-term prisoners, i.e. those sentenced in future to sentences of 4 years or more, whether for sexual offences or any other form of offence. Approximately 450 people convicted of crimes each year receive a custodial sentence from the courts of 4 years or more¹.

As you noted during the evidence session, the provisions in Part 1 of the Bill do not extend to short-term prisoners, who receive sentences from the courts of less than 4 years, who are subject to separate early release arrangements.

Our aim in ending the current system of automatic early release for all long-term prisoners is to improve public safety. Taken together, these new measures will ensure that decisions about the early release of all long-term prisoners will be taken by the Parole Board in the interests of public safety, whilst also guaranteeing that all long-term prisoners leaving custody will have a period of compulsory supervision in the community. This approach is consistent with the Scottish Government's vision for the use of custody, and the recommendations of both the McLeish Prisons Commission (2008) and Angiolini Commission on Women Offenders (2012), that prison is the right place for those offenders who commit the most serious crimes and who pose a continuing risk to public safety.

I hope the above information is helpful to the Committee as it takes forward its consideration of the Bill.



MICHAEL MATHESON

¹ Criminal Proceedings in Scotland
<http://www.scotland.gov.uk/Publications/2014/12/1343/downloads#res-1>