

Justice Committee

Prisoners (Control of Release) (Scotland) Bill

Supplementary written submission from the Risk Management Authority

Letter from the Cabinet Secretary for Justice to the Convener (3 February 2015)

We welcome the Scottish Government's openness to concerns expressed by respondents, and in particular the steps that are to be taken that reinforce the essential role of community supervision in rehabilitation, reintegration and protection of the public. While we are unsighted on the detail, it is our understanding from the Cabinet Secretary's letter of 3rd February 2015 that the Scottish Government will bring forward amendments at Stage 2 of this bill that will ensure that release decisions in respect of those serving sentences of four years or more will be taken by the Parole Board and that all such persons will be subject to a minimum period of statutory supervision in the community.

The Cabinet Secretary identifies that there are existing arrangements for the imposition of statutory supervision in the form of the extended sentence. There is also provision in the existing arrangements for standard determinate sentences in the form of parole and non-parole licences. The distinction between the existing arrangements and the proposals contained in the Cabinet Secretary's letter appears to be that the Parole Board will be involved in decisions about the release of all long-term prisoners. We welcome this.

The profile of the typical long term prisoner to which the provisions of the Bill apply is that of an offender who has failed to progress through the prison regime and to mediate his or her behaviours sufficiently to be deemed manageable in the community, perhaps due to denial of the offence, a lack of response to interventions in prison, and/or resistance to change. It is reasonable to assume that such a prisoner would be approaching release having been assessed as posing a continuing risk of serious harm to the public. Accordingly, it is appropriate that the focus of the proposed amendments is on protection of the public.

The RMA has published standards and guidelines for risk assessment and management practice in respect of those who pose a risk of serious harm to the public¹². Those publications emphasise the need for practice that balances rehabilitative and restrictive measures in an evidence-based and proportionate manner, communicated in a plan to ensure transparency and effective collaboration.

We recognise in the proposed amendments the opportunity to ensure that the release of all long term prisoners is considered and individualised; the duration and conditions of the supervision determined by an assessment of risk; and the measures identified to reduce risk incorporated in a proportionate, balanced plan.

¹ RMA (2011) Framework for risk assessment, management and evaluation (FRAME)

² RMA (2013) Standards and Guidelines for Risk Management

<http://www.rmascotland.gov.uk/standardsandguidelines>

We offer our continued support in the consideration and development of the proposed legislation.

Yvonne Gailey
Chief Executive
Risk Management Authority
12 February 2015