

Justice Committee

Prisoners (Control of Release) (Scotland) Bill

Written submission from Sacro

Introduction

1. Sacro welcomes the opportunity to contribute to the Justice Committee's deliberations on the Prisoners (Control of Release) (Scotland) Bill. The following points (below) relate to the questions raised about the specific provisions in the call for evidence.

Who we are and what we do

2. Sacro is a Scottish voluntary organisation that works to create safer and more cohesive communities. Our vision is for a safer Scotland, where conflict is resolved constructively and offending and its consequences dealt with effectively. Sacro has over 40 years of experience in this field, including extensive experience of working with prisoners on their release from prison. We provide a wide variety of services across the community justice continuum: ranging from conflict resolution to prevent disputes escalating at one end, and at the other, we have been involved in recent initiatives to promote a more integrated system between prison and community services. This approach includes working across statutory and third sector organisations, to manage the risk to communities by supporting/supervising prisoners on release from custody, some at the very serious end of offending behaviour.

3. There has been significant investment in throughcare services for short term prisoners recently, through the Scottish Government's Reducing Reoffending Change Fund, and Sacro is playing its full part in these developments. For example, Sacro is the lead organisation in the *Shine Women's Mentoring* Public Social Partnership (PSP) and a service delivery partner in the *New Routes* and HMP Low Moss Throughcare PSPs¹. All three PSPs work with short term prisoners who are not subject to any form of statutory supervision. Thus, the work we do with our service users enables us to listen to their voices and to build their experiences into what works best in helping to reduce reoffending and the risk to communities.

Restriction of Automatic Early Release

Is the scope of the proposed reforms appropriate?

4. Sacro notes that the provisions in the draft legislation are designed to end the automatic early release of certain categories of prisoners, viz. those who receive

¹ *Shine* is focused on supporting female offenders on release from custody, as well as those women who are in the community and at risk of custody because they may breach their community payback order. *New Routes* works with short term male prisoners aged between 16-25, who are considered prolific offenders, i.e. they have committed ten or more offences. The HMP Low Moss PSP provides a voluntary throughcare service to prisoners in that establishment who are returning to the Glasgow or North Strathclyde Community Justice Authority areas.

terms of imprisonment of four years or more for sexual offences and those who receive periods of custody of 10 years or more for all other offences. Sacro accepts that it is a matter for Scottish Parliament to decide on the legal framework within which the release of prisoners is determined but we appreciate the opportunity to contribute to its consideration of this complex matter. We understand the drive to demonstrate to victims that the justice system is responsive to their experiences but we have some concerns that there could be unintended consequences in the current proposals which need to be thoroughly considered by legislators.

5. In addition, much progress has been achieved over recent years in integrating services between prison and community both to manage risks more effectively and to achieve efficiencies in the way the services work together and we are sure that the Parliament will want to ensure that any reforms are designed to support this work and do not, however unintentionally, make this more difficult.

What impact would the proposals have on the work of criminal justice social workers and others in trying to ensure that released prisoners are safely reintegrated back into communities?

6. Sacro has an extensive track record in working with the public authorities in helping resettle and monitor offenders on release from custody. A considerable part of that work - such as Sacro's Intensive Support Packages, and Circles of Support and Accountability for sex offenders works with high risk offenders serving long sentences - has been carried out under the Multi Agency Public Protection Arrangements (MAPPA). Sacro considers this work vitally important in reducing the risk of reoffending posed by individuals. If one of the unintended consequences of the proposed legislation were to be that some long term prisoners might not be required to be statutorily supervised by local authority criminal justice social work services on release, then this might hinder the policy imperatives associated with protecting the public from serious harm. Whilst in principle, it would be possible to offer a voluntary service to prisoners who had not been granted early release in these circumstances, in practice Sacro's experience is that it would prove difficult to engage them meaningfully in accepting a service or maintaining contact for a prolonged period when license conditions and the powers of community based authorities, to supervise them no longer can be applied. We are concerned that the current proposals could indeed, despite the policy intention, reduce the scope for effective risk management and safe reintegration into the community if it means that the most serious/dangerous offenders would be released unconditionally and with no form of community supervision when we know that the period of transition between prison and community is the most challenging. Consideration should therefore be given to mechanisms which could be introduced to provide both support to the offender and protection for the public. Possible options could be:

a) Not to remove automatic early release entirely but reduce it to the last three months of the sentence to ensure that there was some brief period of compulsory supervision to oversee reintroduction to the community. This would afford support to the prisoner who by definition will have been in long term custody and also afford some enhanced protection to the public over the often difficult immediate post release period.

b) Consider reconstructing the sentence such that the full custodial sentence could be served if the risk necessitated that but with a period of compulsory supervision imposed at the release date. Recall for non-compliance would not be an option since the full sentence would have been served therefore another mechanism such as a separate offence of non-compliance with such a requirement thereby allowing referral to the court. The importance of this is that it will be the highest risk offenders who are not considered to be suitable for early release by the Parole Board therefore having a means of overseeing their return to the community is of the highest importance. The number falling into this category is likely to be small but the risk thereby is very high. Reconfiguring sentences to accommodate a period of community based reintegration should include the appropriate safeguards to avoid sentence creep and to provide for proportionality and fairness in sentencing.

What impact would the proposals have on prisoner numbers and the work of the Parole Board and others?

7. Sacro notes that the Financial Memorandum projects a possible rise in the average daily prison population of 140 individuals. The memorandum also notes the financial cost associated with the expected rise in work for the Scottish Prison Service (SPS) and the Parole Board. There are no costs shown as falling on local authorities or other bodies. Whilst Sacro would accept that the majority of the costs are likely to fall on those directly responsible for the administrative and legal functions whilst the prisoner is in custody, it is surprising that there is no similar detail on the impact for key partners in the community. As an example, the total one-off costs for training SPS staff in the proposed changes and their implications is £67,000 in 2015/16. There is no similar costing shown for the training of other staff in other sectors. In addition, the role/responsibilities of MAPPAs would increase in managing the risks posed and consideration should be given to how continued/increased funding for this work would be secured.

Power of Early Release for Community Reintegration

Should the Scottish Prison Service be given this power (including reasons for this view)?

8. Sacro welcomes this proposal because it enhances prisoner-release arrangements and promotes community safety. Our experience, which is supported by research, tells us that the better the planning and preparation for release, the more likely the individual will successfully resettle. Introducing greater, defined flexibility to prison release arrangements (i.e. up to a maximum of two days) should help deliver improvements, notably in terms of accessing important health, housing and social care services.

How tightly should the use of such a power be constrained by guidance, which the Scottish Government proposes to produce in conjunction with the Scottish Prison Service?

9. Sacro believes that it would be helpful to produce robust guidance on the use of this power. Doing so could provide a degree of assurance to the wider community that the process was being properly managed and meeting specific aims. Clear

guidance would also assist all the professionals involved in the decision-making process. The Scottish Government has previously issued a range of similar guidance (for example, previous Justice Department Circulars) and such an approach would be beneficial again. Sacro would propose that any guidance issued should reflect the responsibilities of those key organisations operating in prison and in the community. Lastly, Sacro would suggest that the guidance should be accompanied by appropriate information/literature for prisoners and their families who will be key stakeholders in the new process.

Sacro
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