

Justice Committee

Proposals to end the automatic early release of certain categories of prisoner

Written submission from Victim Support Scotland

Victim Support Scotland is the largest organisation in Scotland supporting people affected by crime. We provide practical help, emotional support and essential information to victims, witnesses and others affected by crime, both in the community and in every Sheriff and High Court in Scotland. The service is free, confidential and is provided by volunteers. Victim Support Scotland welcomes the opportunity to respond to the Justice Committee on the Scottish Government's proposals to end automatic early release of certain categories of prisoners and does so with the best interests of victims in mind.

We understand that the Scottish Government's proposals would change the current system to end the automatic early release of offenders sentenced to ten years or more in custody, and of sexual offenders sentenced to four years or more. We appreciate that the proposals target offenders of particularly serious crimes, such as culpable homicide, attempted murder, serious assault, robbery and sexual offences, because these categories of offenders may constitute a high risk to public safety. This is certainly a step forward in ensuring that public safety is considered when releasing violent and dangerous prisoners, and would also encourage prisoners to deal with their offending behaviour and related issues through engagement with rehabilitation programmes. The rehabilitation of offenders and the aim to reduce offending is in everyone's interest, including victims of crime. Victim Support Scotland therefore supports these proposals. This support is on condition that victims are kept informed of the decisions made in their case; they should be able to understand why the sentence was chosen and what it will mean in practice.

However, to achieve real clarity in sentencing and to facilitate greater protection of the public, VSS believes that the proposals on ending automatic early release of prisoners should be extended. We are aware that 97% of offenders given a custodial sentence are sentenced to a term of less than four years¹; as such, implementation of the current proposals would fail to impact on the vast majority of prisoners who do not fall into the proposal's designated narrow categories. The proposals would also fall far from satisfying the Scottish Prisons Commission's recommendation that automatic early release should be ended for those convicted to a custodial sentence of two years or more. VSS believes that the Scottish Government's aim to "bring the focus back firmly on consideration of risks to public safety and public harm"² cannot be achieved if these

¹ Scottish Government (2013), *Criminal Proceedings in Scotland, 2012-13*, p. 44
<http://www.scotland.gov.uk/Resource/0043/00438958.pdf>

² Letter from the Cabinet Secretary for Justice to the Convener of the Justice Committee on Automatic Early Release of Prisoners, 3 September 2013
http://www.scottish.parliament.uk/S4_JusticeCommittee/Inquiries/20130903_CSfJ_to_Convener_-_Early_release.pdf

proposals continue to allow the possibility for most long-term prisoners to be released automatically at the two-thirds point of their sentence on non-parole licences. If prisoners released on such licences are considered to be “generally those whose conduct in prison and other circumstances (e.g., failure to address drug issues) present an unacceptable risk of re-offending without supervision”³, it follows that public safety is not the paramount concern. In addition, VSS believes that ending automatic early release for only some categories of prisoners would work to further complicate an already confusing system; the proposals would in fact create another rule that needs to be taken into account when calculating the release date of an offender. Victim Support Scotland would like to see a system in which sentences are straightforward and understandable to the victim(s) and the wider community, rather than one that requires research or calculation. Therefore, Victim Support Scotland believes that the Scottish Government’s proposals should be extended to end automatic early release for all prisoners serving two years or more.

Also in accordance with the Scottish Prison Commission’s recommendations, we further contend that short-term prisoners should have conditions placed on their release if this takes place before the full term of their sentence has passed. Not only would this provide reassurance to victims of crime and the broader community that the behaviour of the offender is being monitored post-release, this would also provide an incentive for short-term prisoners to desist from further offending and enable them to access any support that they may need for reintegration into the community. We would welcome consideration from the Scottish Government to extend their proposals in an attempt to move closer to fulfilling the recommendations of the Commission, and to move towards a clearer and safer system for victims and the general public.

Victim Support Scotland
6 May 2014

³ Scottish Prison Service <http://www.sps.gov.uk/VictimNotificationScheme/sentencing-explained.aspx>