

Justice Committee

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

Written submission from Police Scotland

Police Scotland welcomes the proposal to end the automatic early release for sex offenders who have been sentenced to determinate custodial sentences of four years or more and other dangerous offenders sentenced to determinate custodial sentences of ten years or more.

The proposal to extend the involvement of the Parole Board in assessing whether such offenders should benefit from an early release accompanied by licence conditions, from the mid point through to the end of their sentence, is seen by Police Scotland as a positive development. We would however seek re-assurance that the Parole Board would be sufficiently resourced to address any potential increase in their workload.

We consider these proposals complement the objectives contained within the Moving Forward Making Changes (MFMC) programme employed within both prison and community settings. Indeed, it would be our hope that the Parole Board would consider the level of engagement by an offender with MFMC when considering their early release.

We recognise that the proposals may facilitate greater opportunity for the offenders in question to engage with and undergo treatment designed to address their offending behaviour. This additional opportunity might contribute to further reducing the risk they pose when they are released at conclusion of their sentence.

We anticipate the provisions would support the continued imprisonment of those assessed to pose the highest risk until the conclusion of their sentence and thereby maximise public protection. Further, that only those assessed as being of 'medium' or 'low' risk will benefit from early release with licence conditions that enable them to be actively managed within the community.

Those individuals who pose the highest risk would of course ultimately be released having completed their full sentence, albeit there would be no statutory curtailment on their activities with the exception of the Notification Requirements of the Sexual Offences Act 2003.

Police Scotland is committed to working with partners through Multi Agency Public Protection Arrangements (MAPPA) to ensure that robust risk assessment and planning is conducted prior to the release of such offenders and that proportionate and robust monitoring arrangements are in place to minimise the risk they may continue to present to public safety.

We are also conscious there is a desire to enact section 10(1)(e) of the Management of Offenders (Scotland) Act 2005 and would welcome development of legislation similar to Violent Offender Orders. Such an approach would provide Police and partners with a methodology akin to Sexual Offender Prevention Orders (SOPOs),

enabling proportionate application in respect of those released without any conditions/licence, such as perpetrators of domestic abuse and violence with no sexual element.

I trust the foregoing information is of some assistance. Should you require any additional information or commentary in relation to these matters please do not hesitate in contacting my office.

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2 May 2014