

## Justice Committee

### Management of Offenders (Scotland) Bill

Written submission from Glasgow City Health and Social Care Partnership

**1. Overall, do you support Part 1 of the Bill concerning the electronic monitoring of offenders?**

We are in agreement and supportive of Part 1 of the Bill concerning Electronic Monitoring (EM) of offenders. We would agree with the extension of EM, and feel this is a positive step to providing alternatives to prison.

**2. The Scottish Government wishes electronic monitoring to play a greater role within the criminal justice system. Will the reforms in Part 1 of the Bill help enable this? If not, what further changes (legislative or non-legislative) are required?**

Although positive and supportive to the extension of Part 1 of the Bill, we do have four areas of concern we feel require further clarification.

#### **GPS**

Firstly the use of GPS and public protection, we feel would require further clarification. Particularly in relation to the sentence being proportional to the crime. We feel that EM should be used as an effective tool with the assistance of wrap around support, supervision and assessment led planning.

#### **Complex Needs**

The changes proposed to EM are likely to lead to increased capacity for electronic monitoring of offenders particularly for many offenders who will often have complex needs. These complex needs will have a direct impact on the resourcing and support services within the city. We would wish to reiterate that assessment led planning, supervision and EM should be used in conjunction to ensure offenders are supported reducing the likelihood of a return to custody.

#### **Domestic Abuse**

Currently in Scotland there is the option of setting up an exclusion zone for victims of domestic abuse where they will keep an EM device in their homes and an alarm will trigger if the perpetrator with the tag, either intentionally or accidentally, enters a specified area. Some victims have reported over time being re-traumatised by the presence of the box in their homes; so this provision very much requires the co-operation of victims.

With more routine EM involving a curfew there is potential for example that the victim goes to home of the perpetrator as they are confined to that address – again potentially increasing risk or that the perpetrator takes potential victims into their home.

We would highlight that EM can be used as an effective tool within domestic abuse, however it can have unintended risks. Therefore it is crucial that it does not become the default but is fundamentally assessment led.

## **Finance & Resources**

Due to the complex nature of offenders' needs this will have a direct impact upon support services within the city. We would require further clarification in relation to finance and resourcing relating to the provision of services in order to support offenders on EM.

We would require further clarification in relation to EM for bail cases, as this would pose significant challenges in terms of resourcing. We responded to a consultation on this matter in 2017, however have still to receive clarification on whether this will be enacted for bail cases.

**3. Do you have any views on any specific aspects of Part 1? – for instance, revisions to the list of circumstances in which electronic monitoring may be imposed or the creation of a power to enable future monitoring devices to contain GPS technology or technology that can measure alcohol or drug ingestion.**

We would reiterate that the use of GPS is supported however would require further information in relation to how technology will be utilised and assurance that the sentence be proportional to the crime.

We agree with EM being used for home leave, however we would highlight that this will have resource implications and impacts for the wider sector namely in relation to accommodation issues.

The Bill offers a wide variety of options for sentencing, however to be truly effective EM should be used in conjunction with other mechanisms, such as, care planning and tenancy sustainment.

In relation to alcohol monitoring we agree in principal with the Bill, however we would require further clarification on how drug and alcohol consumption will be measured and monitored. There may also be a Human Rights issue relating to alcohol monitoring which is not considered within the Bill.

We feel reassured by that demonstration projects used within the Bill working Group and establishment will be taken forward before National roll out.

**4. Overall, do you support Part 2 of the Bill? The Scottish Government's view is that it will provide a more appropriate balance between the public's right to protection and a former offender's right to "move on" with their life, by, overall, reducing the legal need for disclosure. Do you agree?**

We agree to part 2 of the Bill and support the offender's right to "move on" with their life. This can be achieved and supported through wrap around services that look at

offender's needs and circumstances. We would reiterate within this the need for further clarification on resources and finances to support offenders to reintegrate into the community.

**5. Do you agree with the Scottish Government that other reforms in Part 2 will make the law on disclosure of convictions more intelligible, clear and coherent?**

**6. Do you have any further views on law and policy around disclosure of convictions?**

We agree with part 2 of the Bill relating to reforms of disclosure, which will bring legislation in line with national policy of England and Wales.

**7. Do you support Part 3 of the Bill, which makes provision for the Parole Board for Scotland, in terms of its membership and appointment system; its functions and requirements in relation to prisoners, its independence, and its administration?**

**8. Do you have any further views on the role, purpose and functions of the Parole Board?**

We previously submitted a consultation in relation to the reforms of the parole board – Parole Reform in Scotland: a consultation on the proposals of legislative changes in July 2017.

Within this response we have clarified our position on proposed reforms within the Parole Board. We agree with the need to review but feel that some level of prescription is still required, with particular reference to the requirement for a medical practitioner who is a psychiatrist. We do not feel that there is alternative experience and knowledge which could replace this level of professional expertise.

Glasgow City HSCP  
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