HOME DETENTION CURFEW

GUIDANCE FOR AGENCIES

Updated 30th October 2018
Introduction

1. The Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended by the Management of Offenders etc. (Scotland) Act 2005) provides the power to release prisoners on Home Detention Curfew (HDC) in Scotland.

2. HDC enables the Scottish Prison Service (SPS), on behalf of Scottish Ministers, to release certain prisoners early on HDC licence. The provisions came into force for short term prisoners (those sentenced to less than 4 years custody) on 3rd July 2006. In 2008, HDC was extended to certain prisoners serving long term determinate sentences (over 4 years). The Parole Board for Scotland must first recommend release on parole at the parole qualifying date (one half of their sentence) before SPS can make the decision to release a long term prisoner on HDC.

3. In both cases an HDC assessment must be carried out before a final decision on HDC eligibility is made. Details of the processes to be followed by SPS and Criminal Justice Social Work (CJSW) Services can be found later in this guidance.

4. The maximum duration for HDC is 180 days (increased from 135 days on 21 March 2008), the minimum period is 14 days.

5. All prisoners granted HDC are on licence subject to standard conditions and a curfew condition. The standard conditions have been specified by order and differ for long term and short term prisoners. A copy of the standard conditions can be found at Annex 5.

6. Responsibility for monitoring compliance with the curfew condition of the licence lies with the electronic monitoring (EM) service provider contracted to the Scottish Government to provide EM services in Scotland. Details of the role of the EM service provider can be found in this guidance.

7. If a prisoner fails to comply with any condition in their license, the SPS may revoke the licence and recall the prisoner to custody. In such cases, the police are responsible for apprehending the prisoner and returning them to custody. The role of the police in the HDC process is included later in this guidance.

8. Legislation also provides for those prisoners recalled to custody for failing to comply with any condition included in the licence to makes representations against the revocation to the Parole Board (appeal against recall). The role of the Parole Board in respect of appeals against recall, and in relation to the possible release of long term prisoners on HDC, can be found later in this guidance.

9. Copies of the forms used in the HDC process, contact details for the agencies involved and details of the standard conditions which must be included in any licence can be found in the Annexes at the end of this guidance.
Role of the Scottish Prison Service (SPS)

Decision to Release

10. The decision to release any prisoner on HDC must be taken having regard to
considerations of:
   (a) protecting the public at large;
   (b) preventing re-offending by the prisoner; and
   (c) securing the successful re-integration of the prisoner into the community.

11. The SPS must therefore identify prisoners who present a low risk of (re)offending if
released. To help identify which prisoners are most suitable, a robust assessment
process has been developed.

12. Legislation directs the SPS towards which prisoners maybe released:
   (a) a short term prisoner (under 4 years) sentenced to a term of three months or more:
      or
   (b) a long term prisoners (4 years and over) whose release on having served one-half
      of their sentence has been recommended by the Parole Board.

This guidance deals with both groups of prisoners.

13. HDC cannot be considered before the prisoner has served whichever is the greater of;
   (a) one quarter of their sentence: and
   (b) four weeks of their sentence.

14. The minimum period which a prisoner can be released on HDC is, therefore, 14 days,
the maximum period is 180 days before the date on which a prisoner will have served
one half of a sentence.

15. The SPS should assess all prisoners sentenced to more than three months but less than
four years. Additionally, the SPS should make an initial assessment of long term
prisoners (4 years and over but excluding life) prior to the commencement of the Parole
Dossier.

Assessment Process

16. The assessment process is based on the following:

Statutory Exclusions¹:

17. The first stage of the assessment process is establishing those prisoners who are
excluded from release on HDC by legislation. This first ‘sift’ will be managed via the
IT system of the SPS (PR2) which will be programmed to identify the following:

¹Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9), Section 3AA(5) as inserted by Section 15(5)(5) of the MoO (Scotland) Act
• prisoners who are required to register as sex offenders;
• prisoners who are subject to an Extended Sentence;
• prisoners who are subject to a Supervised Release Order;
• prisoners who are subject to a Hospital Direction (including Transfer for Treatment); 
• prisoners who have been confirmed as “to be deported” by the UKBA.
• Prisoners who are serving a non-offence term which is consecutive to their offence term. (*If the prisoner pays the balance of the financial penalty imposed or serves the consecutive non-offence term he/she will cease to be excluded*)

18. In terms of recalls, prisoners recalled from HDC licence because they could not be monitored at the curfew address are not statutorily excluded. If a suitable address is found, these prisoners may qualify for release on HDC at a future date. Prisoners may be asked to self-return to custody until a suitable address is established. All appeals will be addressed to the Parole Board for consideration. Where prisoners have been recalled and cannot be monitored through no fault of their own, a supporting letter signed by the HDC manager should be included with any appeal paperwork submitted from the prisoner.

19. Where a prisoner is statutorily excluded, written notification should be issued as early as possible [HDC8]

Risk Assessment

20. Those prisoners who are not statutorily excluded must undergo a risk assessment, as only those that are likely to be assessed as low risk in the community should be released on HDC. Prisoners with a Supervision Level (PSS) of high or medium won’t be considered. (Although, as a supervision level can change, these prisoners may be eligible to apply for release on HDC at a later date; a review date should be set that corresponds to a review of the supervision level).

21. Due to the length of the process for long term prisoners, low supervision is not a prerequisite for them as the supervision level may change during the process. Reasons why a long term prisoner has not achieved low supervision status may, however, be taken into consideration in the risk assessment process.

22. Having identified short term prisoners whose supervision level is low, the SPS should invite an application for release on HDC. Prisoners who wish to apply should complete form HDC 1 in full. The onus is on the individual prisoner to provide all relevant information including the proposed curfew address and must provide a contact telephone number. Where this cannot be provided, the application for HDC must be held in abeyance.

23. Where a prisoner does not wish to be considered for release on HDC, a signed disclaimer should be taken and PR2 should be updated to reflect this.

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2 Criminal Procedure (Scotland) Act 1995 (c.46) Section 59A; Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) Section 136(2)
24. When the completed application form has been returned, the remaining stages of the assessment process can commence.

Presumption Against Granting HDC

25. There are certain categories of prisoner who are presumed, in normal circumstances, to be unsuitable for HDC – that presumption can only be over-ridden where the individual circumstances of the prisoner give SPS just cause to do so. Prisoners whose index offence involves an act of violence or the possession or use of a knife or offensive weapon are presumed, in normal circumstances, to be unsuitable for HDC. Prisoners who have known links to serious organised crime are also presumed, in normal circumstances, to be unsuitable for HDC. (See Annex 2 for further guidance.)

26. If the prisoner is not subject to a statutory exclusion and is not prevented from obtaining HDC by operation of the presumption against HDC, SPS must consider whether the offender is suitable to be granted HDC.

SPS Risk Factors

27. At this stage of the assessment, the SPS must take steps to ensure decisions are made in a fair and consistent manner. With this in mind, a list of static risk factors has been drawn up; this should be applied across all establishments.

28. Although not contained in the list of Statutory Exclusions, the following should be considered as part of the overall risk assessment and should be taken into account when making the decision as to whether or not a prisoner is suitable for release on HDC:

- prisoners with a history of sexual offending (who are not subject to notification requirements);
- prisoners whose history includes a conviction for a Schedule 1 offence;
- prisoners whose conviction includes an element of domestic violence;
- prisoners whose previous offences have included acts of violence or use of weapons;
- prisoners who have previously failed to comply with the conditions of an HDC release licence;
- prisoners who have failed to engage in the Core Screen/CIP processes inclusive of accessing interventions; and
- prisoners whose behaviour while in prison has given cause for concern (behaviour that is indicative of offending on release, e.g. providing positive drug tests).

29. The Statutory Exclusions, the presumption against granting HDC and the SPS Risk Factors are summarised at the end of this guidance (see Annex 2). There are, however, other factors to consider.

30. As the decision to release a prisoner on HDC is made on a case by case basis, it is not possible to fully prescribe the decision-making process. Certain issues will arise with some prisoners that will necessitate a level of judgment on the part of SPS management.
(it may be the case that prisoners who meet the eligibility criteria for HDC would actually be harmed if released early, e.g. certain vulnerable female or young offenders). In such cases, managers must be prepared to make the most appropriate decision based on evidence, while paying due regard to Police Intelligence. Signatories must bear in mind the fact that the decision may be appealed via the Prisoner Complaint Process.

31. All evidence should be collated using an HDC Assessment Dossier. This will help ensure managers have a consistent level of information relating to each prisoner. Should the assessment indicate a significant risk of the prisoner re-offending while on HDC or failing to comply with the curfew conditions, release should not be authorised. It may, however, be considered appropriate to review the prisoner’s circumstances at a later date; if so, a review date should be entered in PR2. The prisoner should receive written notification of the reason(s) for refusal to grant release on HDC.

32. In certain cases for short term prisoners, release on HDC may only be appropriate if additional, specific conditions are included on the licence (over and above the standard and curfew conditions). As a priority, it is essential that these additional conditions are accompanied by monitoring arrangements; agreed and arranged with CJSW in advance and clearly annotated on the licence. In such cases, any non-standard conditions should be discussed with the prisoner in order to establish the likelihood of compliance. This discussion also provides the prisoner with the opportunity to familiarise him/her with the terms of release at an early stage. Prior to release assurance must be received from CJSW that these arrangements can be supervised appropriately.

**Long Term Prisoners – Additional Conditions**

33. For long term prisoners, the HDC licence has additional standard conditions to complement the conditions imposed by the Parole Board. These include conditions relating to supervision requirements.

34. Should the prisoner indicate an unwillingness or inability to comply with such restrictions, release on HDC should not be authorised and the prisoner should receive written notification of the reason for refusal of HDC (form HDC 8).

**HDC Community Assessment**

35. Where it appears the prisoner may qualify for release on HDC, the proposed curfew address must be assessed for suitability. This assessment will be carried out by CJSW Services. Assessments will be carried out by a Social Worker or a suitably qualified person. All intended home addresses must be visited, except in exceptional circumstances. Where a visit is not possible the reasons should be clearly noted and HDC application held in abeyance until a visit can be undertaken. Where a prisoner is the sole key holder a second contact name and number should be provided at application stage to allow legal access to the property.

36. For long term prisoners, this assessment will be carried out in tandem with the parole process.
37. In cases where non-standard licence conditions are considered appropriate, these should be included on the HDC Community Assessment request (form HDC 3). This will allow CJSW Services the opportunity to assess their ability to monitor such conditions in the community (there may be a need for negotiation between SPS and CJSW Services for certain types of condition).

38. To request a HDC Community Assessment, the SPS should send the appropriate local authority a Community Assessment Request (form HDC 3). CJSW Services are responsible for checking the proposed address to ensure the prisoner’s presence (on curfew) will have no adverse effects on the people living there or the community as a whole. This assessment should include:

- a summary of the accommodation (e.g. electricity supply, size, etc. both the purpose of the prisoner’s welfare and for the installation of monitoring equipment);
- a summary of domestic/family responsibilities;
- a description of regular activities in which the prisoner needs to take part;
- a report on any relationship/victim issues;
- addiction issues.
- the views of those likely to be affected by the enforced presence of the prisoner.
- any addiction issues that CJSW think relevant.
- any other issues CJSW considers relevant.

39. It may be the case that this assessment is complemented by additional information available to CJSW (e.g. CJSW Reports; historical records, etc). It should, however, be noted that CJSW Services is not responsible for deciding whether or not release on HDC should be granted. That decision is made by SPS management, using all relevant facts from appropriate sources.

40. Procedures are in place for eligible prisoners serving sentences in England and Wales to be released on Home Detention Curfew (HDC) to an address in Scotland. These arrangements will also allow the release of prisoners from Scottish prisons to an address in England or Wales on the Scottish equivalent HDC scheme. Prisoners benefiting from these arrangements will be released under restricted transfer terms (HDC Restricted Transfer). The respective National Probation Service area will carry out the assessment of the proposed curfew address.

41. CJSW Services have agreed to carry out the HDC Community Assessment for short term prisoners within 15 days of the request. This is particularly important for prisoners serving very short sentences, such as three months as - should they qualify - they would be in custody for only 30 days (with the last 14 spent on HDC). The return of the assessment request should therefore be monitored with contact being made with the appropriate local authority should any delay become apparent. In the case of long term prisoners, the HDC Community Assessment will be returned along with the Parole report.

42. CJSW may also wish to highlight a need for additional conditions and may do so as part of the HDC Community Assessment. It is essential that these additional conditions are accompanied by monitoring arrangements; agreed and arranged with CJSW in advance. They should also record any additional issues that the Governor or someone deputising for the Governor may wish to take into account when authorising the prisoner’s licence.
43. When the HDC Community Assessment is concluded, any pertinent information should be recorded in the assessment dossier. All HDC paperwork should then be passed to the HDC manager for an initial recommendation. All proposed releases under HDC arrangements are required to be approved by the Governor in Charge or in their absence the Deputy Governor.

Management Decision

44. In relation to a short term prisoner, the HDC Manager will proceed to make the initial recommendation on whether to release the prisoner on HDC. The final decision to release will be made by the Governor in Charge or in their absence the Deputy Governor.

45. In relation to a long term prisoner, this stage of the process is held in abeyance until the decision of the Parole Board is known. If Parole is granted on this first application, the SPS will proceed to make its decision on whether to grant HDC. If parole is not granted, the HDC application fails as the prisoner does not meet the statutory qualification. The prisoner should be advised that HDC cannot be granted (form HDC 8). Where prisoners are undertaking programme work, they can considered for HDC, and should not be disadvantaged.

46. As previously noted, the decision to release a prisoner on HDC must be made with regard to;

- protecting the public at large;
- preventing re-offending by the prisoner; and
- securing the successful re-integration of the prisoner into the community.

47. It is, therefore, essential for the SPS to apply a consistent approach in deciding which prisoners are most suitable for release on HDC. While each case should be treated on its individual merits, with many dynamic factors being taken into account, the SPS must ensure decisions are made in a fair and consistent manner.

48. Experience has confirmed that a number of prisoners considered unsuitable for release on HDC will lodge an appeal. The decision on appeals against refusal to grant release on HDC is for the SPS to make. When refusing release on HDC, the decision must be based on evidence with all relevant sources noted. All decisions should be reached with the possibility of an appeal in mind.

Transfer of Prisoner – Impact on HDC

49. On occasion, SPS is required to transfer prisoners due to the pressure of high prison numbers. Establishments should avoid transferring prisoners who are currently being considered for release on HDC, as this can result in the process being lengthened during the arrival at a new establishment. Prisoners for whom a transfer is being considered should undergo an ‘HDC eligibility check’. The HDC administrator should check whether or not the prisoner is statutorily excluded.
50. If the prisoner is not statutorily excluded, the sending establishment should carry out a check to identify whether or not the prisoner is already being considered for release on HDC. Where the HDC process has already begun, establishments should, where possible, attempt to identify a prisoner for whom a transfer would be more appropriate. If this is not possible, all documentation must be passed to the relevant HDC administrator of the receiving establishment who should immediately take steps to continue the process.

**Release on HDC**

51. If, taking all relevant factors into account through the assessment process, release on HDC is approved by the Governor in Charge or in their absence the Deputy Governor, the release date needs to be established. A short term prisoner’s HDC qualifying date will be calculated automatically by PR2 (using the critical dates calculation).

52. However, in some circumstances, it may be considered inappropriate to release a prisoner on the qualifying date, e.g. a prisoner who has served their quarter sentence by 1st July and would be eligible to spend 180 days on HDC may have their release delayed until a treatment programme - due to end on 15th July - has been successfully completed. In this case, the prisoner would potentially spend 165 days on HDC, not the 180 day maximum.

53. In all cases where the prisoner’s HDC qualifying date is a Saturday or Sunday, release must be postponed to the following Monday. Establishments do not have the required staff for weekend releases. The prisoner should never be released before the HDC qualification date (regardless of the process for normal liberation).

54. Where a prisoner is to be released to an address in Scotland, notification of details should be sent to the Police Scotland single point of contact, the EM service provider and the appropriate CJSW dept., as well as informing the prisoner of the approval for release.

55. Where a prisoner is to be released to an address in England or Wales, notification of details should be sent to the Local Force Area single point of contact, Police Scotland single point of contact, the EM service provider and the appropriate National Probation Service Area, as well as informing the prisoner of the approval for release. There are no arrangements in place for an HDC release to Northern Ireland.

56. On the determined HDC release date, the prisoner will be released from SPS custody. The prisoner movement should be recorded in PR2, i.e. ‘Released on HDC’.

**Electronic Monitoring**
57. The EM service provider will install the monitoring unit and tag at the prisoner’s curfew address and should, therefore, be informed in advance of the date and time of the prisoner’s release - and the curfew conditions.

58. In all HDC releases, the EM service provider should be notified at least seven days prior to the HDC release date. Form HDC 9 should be completed and emailed to the EM service provider’s control centre. This form must include personal information and photograph to allow the EM service provider to identify the prisoner which should be taken from PR2. It is essential the characteristics described on form HDC 9 are provided in all cases.

59. The relevant CJSW should be notified of HDC release 7 days in advance. The form HDC 5 should be completed and emailed to the specified point of contact.

60. The notification of release should also be sent to Police Scotland (again, seven days in advance of the HDC release date). This notification should take the form of a list (which should be sent to Police Scotland Prison Intel Unit, relevant Police Division and Police Information Resources detailing all prisoners being released to that area. The list should include:
   - the prisoners’ names
   - Prisoners number
   - the prisoners’ addresses
   - the prisoners’ HDC release date and the Earliest Date of Liberation (EDL)

Additional Electronic Monitoring

61. To incentivise and enhance a prisoner’s compliance with licence conditions, additional electronic monitoring boxes, known as “Away From” boxes can be deployed to addresses, other than the curfew address, to monitor whether or not a person on HDC licence is staying away from premises where he/she is licensed to stay away from, such as a local public house, victim’s home, or ex-partner’s address. For example, in a case where the victim does not wish to have even inadvertent contact, then the victim’s address can be fitted with an “Away From” electronic monitoring box. Boxes can be deployed in multiple locations if required.

62. The Away From box must not be deployed as the victim safety planning measure as it can’t physically prevent an individual from breaching the licence conditions. Such breaches will be recorded and acted upon if the person on HDC comes within range of the “Away From” box.

63. When the SPS HDC decision maker has been made aware either through the Community Justice Social Work report, Police Scotland, VNS or another credible source that there is an identified, credible need to enhance licence conditions in this way then the HDC coordinator and manager must take cognisance of this information and make an informed decision to either terminate the HDC application or continue the application with the added licence conditions supported by the Away From box(es).
64. The HDC 4 form utilised by Social Work to complete the community assessment should inform the decision to consider the use of an “Away From” box at the address of victim(s) with that victim/s consent.

65. The HDC 9 form utilised by Electronic Monitoring Service Provider (presently G4S) to install an electronic monitoring box has a restriction of address content box, although it must be stressed that this address is not made known to the individual on HDC. Specified “away from” addresses should not be detailed on a HDC licence, only a geographical area.

**Licence Conditions**

66. Release on HDC will always be conditional. The prisoner should be made aware of the licence conditions before official notification of their release is issued. This notification should include a photograph of the prisoner to help identification during the installation of EM equipment. The prisoner’s acceptance of these conditions should be retained on file (with the prisoner being given a copy).

67. For all prisoners on HDC, standard licence conditions will apply. For some, there may also be a need to impose non-standard licence conditions. It is essential that these additional conditions are accompanied by monitoring arrangements; agreed and arranged in advance and clearly annotated on the licence. Examples of both types of condition can be found at the end of this guidance. Long term prisoners will have a standard condition to report to their supervising officer.

68. When applying non-standard licence conditions, SPS must have assurance from CJSW Services that these conditions can be effectively monitored in the community. This assurance should be sought before the decision to grant release on HDC is made. It may also be the case that non-standard licence conditions that do not require community supervision are appropriate e.g. a requirement to abide by the terms of a drug/alcohol rehabilitation centre which is providing accommodation for the offender. In such cases, the relevant organisation/authority should be consulted prior to the decision to release the prisoner on HDC licence.

69. Once the decision to release a prisoner on HDC has been made, the prisoner should be made aware of the licence conditions as early as possible. This will provide prisoners with the opportunity to familiarise themselves with these conditions from the outset, hopefully lessening the potential for non-compliance once released.

**Non Compliance**

70. Compliance with the curfew conditions will be electronically monitored by the EM service provider. Should a prisoner fail to comply with their curfew conditions, the EM service provider will notify SPS within agreed timescales as described in the Scottish Government contract (the EM service provider are not responsible for monitoring conditions other than the curfew). SPS management will make a decision on whether or not the breach merits a recall to custody.
71. In cases where non-standard licence conditions that require supervision apply, CJSW Services should monitor compliance and report instances of non-compliance to SPS through agreed channels. As with non-compliance of standard conditions, SPS management will make the decision on whether or not the breach merits a recall to custody.

72. Other sources may also notify SPS of facts that could lead to a decision to recall the prisoner to custody, e.g. Police notification of a caution. Again, the decision will fall to SPS management.

**Recall to Custody**

73. When a prisoner fails to comply with their licence conditions, SPS has the authority to revoke the HDC licence and recall the prisoner to custody. The decision to recall must be made by the establishment that released the prisoner on HDC (and holds the warrant).

74. The SPS must specify whether the licence has been revoked under the terms of section 17A (1) (a) or section 17A (1) (b) of the Act. This is because the effect of these provisions on future eligibility for HDC is different. A copy of the legislation is attached at Annex 6.

75. Careful consideration should be given to situations that arise that result in periods of time where prisoners cannot be monitored through no fault of their own or their actions. The appropriate gathering of all available evidence is crucial if an appeal is submitted.

76. Should the decision be made to recall the prisoner released to a Scottish Address, immediate notification must be issued to Police Scotland single point of contact, the EM service provider and relevant CJSW Dept. (form HDC 16). The breach record must be updated in PR2.

77. Should the decision be made to recall the prisoner released to an English or Welsh Address, immediate notification must be issued to the local Force Area single point of contact, Police Scotland single point of contact, the EM service provider and relevant National Probation Service Area. (form HDC 16). The breach record must be updated in PR2.

78. Once statutory agencies have been informed, a letter must be issued to the individual on HDC release to the last known monitored curfew address advising of their recall and what actions to take.

79. For practical reasons, it may not be possible to return the prisoner to the establishment from which they were released on HDC. If this is case, a suitable establishment should be identified and the Police should be notified (as part of the recall notice) which establishment will receive the prisoner. The (receiving) establishment should also be notified at the time of recall. Local arrangements will need to be in place to ensure relevant documentation is forwarded as appropriate.
80. In practice, most (if not all), serious breaches will result in the prisoner being recalled. However, in cases where breaches are less serious, SPS may still recall the prisoner should a pattern of non-compliance with the HDC licence become apparent.

81. When a prisoner has been recalled from HDC licence, they must remain in prison until the Earliest Date of Liberation (EDL) has been reached depending under what section they have been re-called under: In the majority of cases offenders who breach the conditions of their HDC release are recalled to custody under section 17A(1)(a) i.e. he/she has failed to comply with one or more conditions of their release licence. However, there are a few cases where it is appropriate to recall an offender to custody simply because they cannot be monitored at the chosen curfew address, in these cases the offender should be recalled under section 17A(1)(b).

82. If an offender is recalled under section 17A(1)(a) he/she cannot be rereleased by the SPS unless the offender makes a successful appeal to the Parole Board for Scotland.

83. If an offender is recalled under section 17A(1)(b) he/she can be rereleased by the SPS at the discretion of the Governor in Charge. It should be noted that should the Governor choose not to rerelease the offender he/she still has the option to appeal this decision to the Parole Board for Scotland.

84. Police Scotland will treat recalls from HDC as a matter of priority. A recalled prisoner is treated as ‘unlawfully at large’ from the date the recall notice is signed. When the prisoner is returned to custody, all days where the prisoner was unlawfully at large shall be added to the original EDL.

85. Upon (re)admission to an SPS Establishment, the prisoner must receive written notification of the reason for the recall (form HDC 15).

86. If a long term prisoner is recalled from HDC, the HDC administrator must notify the establishment’s parole co-ordinator as the circumstances must be notified to the Parole Board as an adverse development which may affect the Parole Board’s decision about the individual’s suitability for parole.

**Appeal Against Recall**

87. Prisoners whose HDC licence has been revoked have the right of appeal against the decision to return them to custody. The prisoner must make written representation to Scottish Ministers (in practice, the SPS) who must refer all appeals to the Parole Board for Scotland. The process for dealing with appeals against recall is shown in Annexe 6. It should be noted that SPS has no authority over appeals and SPS is legally required to carry out the directions of the Parole Board in the case of all appeals.

88. Due to the link between parole and HDC for a long term prisoner, the appeal process is more complex in this situation. The process for a long term prisoner is shown separately in Annex 6 with accompanying guidance notes.
**Victim Notification Scheme**

89. The Victim Notification Scheme (VNS) is a statutory scheme, which came into force on 1 November 2004 and provided victims of offenders who had been sentenced to 4 years or more with the right to receive information about the offender's progression within prison and eventual release. On 15 May 2008, the VNS was extended to include offenders who have been sentenced to 18 months or more. Victims can apply to join the scheme regardless of when the crime was committed. There are no formal time limits for opting into the VNS, and the victim can send the appropriate form or apply to the SPS at any time until the offender's sentence expires.

90. The scheme has two parts and victims can opt to receive information under either or both parts.

Part 1 entitles victims to receive information about the offender's:
- Release
- Date of death, if they die before being released
- Date of transfer, if they are transferred to a place out with Scotland
- Eligibility for temporary release (for example, for training and rehabilitation programmes or home leave in preparation for release)
- Escape or absconding from prison
- Return to prison for any reason.

Part 2 of the scheme entitles victims to information about the offender being considered either for parole or release on Home Detention Curfew.

Full details of the Victim Notification Scheme and its provisions can be found at:

[www.sps.gov.uk/PeopleAffectedbyCrime/VictimNotificationScheme/Victim-Notification-Scheme.aspx](http://www.sps.gov.uk/PeopleAffectedbyCrime/VictimNotificationScheme/Victim-Notification-Scheme.aspx)

The SPS Legal Services Branch will inform victims of release dates and conditions.
Role of Criminal Justice Social Work (CJSW) Services

Introduction

91. The decision on whether to grant release on HDC lies with the SPS. In respect of long term prisoners, the Parole Board must first recommend release on parole at the parole qualifying date before any decision to grant HDC can be made. The maximum duration of HDC is 180 days, although the prisoner must serve at least one quarter of their sentence before HDC can be granted.

Assessment Process

92. Local authority CJSW Services will contribute to the assessment and suitability for HDC for all prisoners and will, in respect of long term prisoners, provide supervision from the date of release. Short term prisoners are not subject to statutory supervision although a non-standard condition of supervision may be imposed as part of the HDC licence.

93. The assessment of prisoners eligible for release on HDC differs slightly for long and short term prisoners.

94. For short term prisoners, SPS will first assess the prisoner against the statutory criteria for HDC and against a series of risk factors. Only where SPS considers that the prisoner may be suitable for release on HDC will they request a Community Assessment Report (CAR) from CJSW Services.

95. In order for long term prisoners to be eligible for HDC, they must have been granted parole with a release date at the parole qualifying date. SPS will carry out an assessment against the statutory criteria for HDC and against a series of risk factors for every prisoner prior to their first parole application. Where SPS considers that the prisoner may also be eligible for release on HDC, a CAR will be requested at the same time as the parole home background report (HBR). Some of the information requested in the CAR will duplicate the information provided in the HBR. Where this is the case, the report writer may simply note on the CAR to refer to the HBR. However, sections 1 – accommodation details, section 3 (in particular 3.2 and 3.4) – views of any persons living at the proposed curfew address and section 4.3 – curfew hours must be completed. A separate CAR is required as this is not submitted to the Parole Board for parole considerations. The Parole Board have no locus in HDC decisions and so will not be given any information relating to the HDC considerations.

96. Long term prisoners are subject to annual case conferences as part of the Integrated Case Management (ICM)3 process. The case conference that precedes the parole eligibility date or the period in which any temporary release is an option must consider and record all/any issues that potentially impacts the parole and/or HDC application.

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97. The standard conditions of a HDC licence will be different for short and long term prisoners. A copy of the conditions is attached at Annex 5. The conditions for short term prisoners remain unchanged. For long term prisoners the HDC licence will include all conditions required by the Parole Board (which includes a supervision requirement) alongside the standard HDC conditions of electronic monitoring and curfew. Legislation also allows for additional conditions to be added to the licence. Additional conditions should be justifiable on the grounds of public protection, reducing reoffending and/or reintegration.

98. The potential need for additional non-standard conditions in respect of long term prisoners should be raised at the appropriate ICM case conference and confirmed during the risk assessment process.

Community Assessment

99. Where it appears the prisoner may qualify for release on HDC, the proposed curfew address must be assessed for suitability. This assessment will be carried out by CJSW Services. Assessments will be carried out by a Social Worker or a suitably qualified person. All intended home addresses must be visited, except in exceptional circumstances. Where a visit is not possible the reasons should be clearly noted and HDC application held in abeyance until a visit can be undertaken. Where a prisoner is the sole key holder a second contact name and number should be provided at application stage to allow legal access to the property.

100. The assessment will be requested by SPS. Different procedures apply for short and long term prisoners.

- **Short term prisoners** - SPS will request a CAR by sending the appropriate CJSW Services a Community Assessment Report request (form HDC 3). This will be accompanied by the prisoner’s application (form HDC1), providing details of the proposed release address. CJSW Services are responsible for visiting and checking the suitability of the proposed address and for obtaining the views of individuals likely to be affected by the enforced presence of the prisoner at that address for up to 12 hours. This assessment visit should include:

  - A summary of the accommodation (e.g. electricity supply, size, etc.);
  - While a mobile signal is the preferred choice when monitoring those prisoners on HDC, in the case of a poor or no signal, the electronic monitoring provider would resort to using a landline for monitoring purposes. Any messaging facility used on a landline would have to be removed during the HDC period. An additional business line can be installed if there is a requirement to retain the use of the messaging facility. A summary of domestic/family responsibilities;
  - a description of regular activities in which the prisoner needs to take part;
  - identification of any problematic relationship/victim issues, or potentially problematic relationship/victim issues;
  - the views of those likely to be affected by the curfew requirement imposed as a condition of HDC; and
  - any other issues considered relevant to public protection.
• Confirm that the householder is aware that the prisoner will be required to be housed at that address for the duration of the HDC period.

101. The assessment visit should also take account of risk factors identified from other sources of information available to CJSW Services (e.g. Criminal Justice Social Work Reports, historical/departmental records, etc.), for example, any information which is likely to have a bearing on the prisoner’s compliance with the requirements of the HDC licence. It should be noted that the decision to release an individual is the responsibility of SPS.

102. In cases where SPS consider that additional licence conditions may be required, these will be identified on form HDC 3. This will allow CJSW Services the opportunity to assess the appropriateness of the condition and, where relevant, their ability to manage such conditions in the community. CJSW Services may identify a need for additional non-standard conditions as part of the community assessment. SPS will determine which conditions will be included in the licence. However, as a matter of policy, SPS will not include a condition in a licence that directly affects a CJSW Services, without their agreement.

103. CJSW Services should complete the CAR within 15 days of receipt of the request. This is particularly important for prisoners serving very short sentences such as three months as the period spent in custody prior to eligibility for release on HDC may be as little as 4 weeks, and a late decision on eligibility may prevent the prisoner from being released on HDC altogether. SPS will monitor whether assessments are being completed on time.

104. Except where conditions involving CJSW Services, i.e. a supervision condition, are included in the HDC licence, the return of the CAR concludes CJSW Services involvement in the process. SPS will make the decision whether to release the prisoner on HDC and the curfew condition will be monitored by the EM service provider.

105. Where SPS consider a need for a supervision condition, this will be identified on Form HDC 3. CJSW Services are invited to assess the appropriateness of the condition in the same way as for other non-standard conditions. Given that CJSW Services do not have a statutory role in respect of HDC for short term prisoners, it is critical that this assessment is undertaken, including CJSW Services capacity/ability to carry out such supervision, and the assessment included in the CAR. To allow a supervising officer to be identified, any decision to grant HDC with a non-standard condition of supervision should, if possible, be made at least four weeks in advance. Every effort should be made to adhere to this timescale, however practical considerations may - on occasion - result in notification of release being issued less than four weeks in advance (particularly for prisoners who have very short sentences).

106. Where SPS or CJSW Services wish to include a non-standard condition such as a condition of alcohol or drugs counselling, delivered by the CJSW Services or a third party, it is expected that a supervision condition would also be included in the licence.

107. In respect of long term prisoners, SPS will request a CAR at the same time as requesting a HBR. It is envisaged that the information required for the CAR and suitability for HDC will be collected during the preparation for the HBR; there is no requirement for
an extra meeting with the family / residents at the accommodation for the sole purpose of gathering data for HDC. As with short term prisoners, CJSW Services are responsible for checking the proposed address to obtain the views of those likely to be affected by the enforced restriction of the prisoner and this assessment should include the factors detailed in paragraph 3.2 above.

108. As previously mentioned, all long term prisoners are subject to annual case conferences as part of the ICM process. Case conferences provide a multi-agency forum to identify issues and interventions needed to reduce risk of further offending and to support reintegration into the community. The case conference preceding the period in which any early release is possible must consider and record all issues that may require further attention or additional conditions.

109. The pre-release process for prisoners subject to statutory supervision is detailed in the ICM Practice Manual. An ICM pre-release case conference will be convened prior to the prisoner’s discharge. The purpose of the ICM pre-release case conference meeting is to finalise and explain the content of the pre-release plan to the prisoner. The pre-release plan should make explicit what the prisoners’ responsibilities will be on release, given that they will be subject to statutory supervision. It should include, amongst other things, the conditions that are attached to the prisoner’s licence, any specific interventions that the prisoner is expected to undertake in the community, any additional services that might be required, and the level of contact with the supervising officer that the prisoner will be expected to adhere to on release etc. The meeting should also stress the requirements of supervision in the community, making clear what will happen in the event of the committal of a further offence or non-compliance.

110. Eligibility for HDC only applies to long term prisoners at the first parole application and when the earliest date of release is that of the parole qualifying date. The parole qualifying date is the earliest date the prisoner can be released on parole, i.e. the halfway stage of his/her sentence. The prisoner must also have a minimum of 4 weeks to serve in custody between notification and release on parole. Any other issues which may impact on the decision whether to release on HDC will be contained in the HBR completed as part of the parole process and will be considered by SPS following any decision by the Parole Board to grant parole and before making the final decision on whether to release on HDC.

Supervision in the Community – Long Term Prisoners

111. All long term prisoners who are granted release on HDC will be supervised by CJSW Services, prior to the commencement of the parole period. CJSW Services will receive a copy of the HDC licence detailing all the conditions imposed. The supervision must adhere to the National Objectives in for Through-care as they relate to parole licences subject to the following modifications –

112. During the HDC licence period only;

- All formal reports (e.g. breach, variation reports) should be sent to SPS
- Where a prisoner fails to comply with the licence which would result in a formal warning, the circumstances should be reported to SPS, who will take account of
any recommendation made by CJSW Services and will determine whether to issue a warning or recall the prisoner.

**Supervision in the Community – Short Term Prisoners**

113. Where a HDC licence for a short term prisoner includes a non-standard condition of supervision, CJSW Services will receive a copy of the HDC licence. The same procedures as for long term prisoners as detailed above will apply.

**Variation of HDC Licence Conditions**

114. HDC conditions may only be varied by SPS. Where CJSW Services request non-standard conditions, these will be notified to SPS and confirmed in writing. SPS will notify the supervising officer of any change to the licence conditions.

**Non Compliance of HDC Licence**

115. For all long term prisoners, and for short term prisoners with a non-standard licence condition of supervision, CJSW Services will report all instances of non-compliance to SPS. As with breaches of standard conditions, it is for SPS to decide whether the breach should result in a recall to custody.

116. The supervising officer should adhere to the National Objectives for Through-care as they relate to parole licences subject to the following modifications:
   - Any formal reports which would otherwise be sent to the Scottish Government Parole Unit should be sent to SPS;
   - In the event of non-compliance which would otherwise result in a formal warning the circumstances should be reported to SPS, who will determine whether to issue a warning or recall the prisoner.

117. Monitoring compliance with the curfew condition is the responsibility of the EM service provider. The EM service provider is responsible for reporting all compliance failures to SPS and CJSW Services in writing.

118. When a prisoner breaches HDC licence conditions, SPS has the authority to revoke the HDC licence and recall the prisoner to custody. Serious breaches will result in the prisoner being recalled. However, in cases where breaches are less serious, SPS may still recall the prisoner should a pattern of non-compliance with the HDC licence become apparent. Where the licence has included a supervision condition, SPS will notify the supervising officer of the action taken (i.e. the issuing of a warning letter or recall to custody)
Appeal Against Recall

119. Prisoners whose HDC licence has been revoked have the right of appeal against the decision to return them to custody. The prisoner must make written representation to Scottish Ministers (in practice, the SPS) who must refer all appeals to the Parole Board for Scotland. The Parole Board may hold an oral hearing to determine the appeal. In the case of long term prisoners released on HDC prior to parole or where the short term prisoner’s HDC licence includes a supervision condition, the revocation may have resulted from information provided to SPS by the supervising officer. In such cases, the supervising officer may be asked to update the HBR and may be invited to give evidence at any hearing.

120. The guidance for attendance at oral hearings for parole cases will apply (SEJD Circular 17/2005 refers). This states that it is a matter for those involved to decide, on the merits of individual cases, whether they consider it appropriate to attend a hearing at the request of the Parole Board. In deciding whether to attend the oral hearing, witnesses may wish to consider if their attendance would bring added value to the hearing process. If not, then they should notify the Parole Board of this in writing and may also wish to consider whether the provision of further written information is necessary or would be useful to the Parole Board. All will of course wish to continue to extend appropriate assistance to the Parole Board whenever possible.
Role of Police

Release Notification

121. There is an agreed Police Scotland Single Point of Contact for notification of all releases. SPS will ensure notification is received within the agreed timescales. The communications should be completed electronically being sent to Police Scotland 24 hour records unit at ejoperationsedinburgh@scotland.pnn.police.uk.

122. Any permanent changes, necessitating the production of a new licence for a specific prisoner, would also be sent from SPS to the Police contact point. Other circumstances in which the licence might be amended may result from a change to conditions of licence, where for example, the prisoner received a warning for non-satisfactory compliance.

Detention of Offenders Wearing Electronic Tags

123. Occasionally the police may detain an offender wearing an electronic tag. Depending on the circumstances, this may be prima facie evidence of a breach of conditions. However unless the offender has volunteered information it will not be obvious at this stage whether the offender is on HDC licence, Restriction of Liberty Order (RLO) or other form of electronic monitoring. The PNC check should ensure a description of electronic monitoring conditions is available. The Police should ensure that SPS and the EM service provider are informed if a person on HDC licence is taken into Police custody. This should be done by the Custody Officer at the time of detention or by the Enquiry officer on the instructions of the Custody Officer.

124. The Police will have no powers to arrest an individual found overtly breaching their curfew conditions unless that individual is committing an offence for which there is a power of arrest. When an offence is committed a report should be submitted to the P.F. the next lawful day containing details of the prisoner’s curfew conditions. Prisoners should appear as a custody if possible. In the event that this happens, Police Scotland will place a ‘HOLD’ on the National Custody System to ensure an SPS decision has been taken regarding whether the individual will be subject of a recall prior to their release from court.

125. If an individual commits an offence for which there is no power of arrest, their breach of curfew conditions are not treated in the same way as a breach of bail and the offender should not be arrested. A report should however be submitted to the P.F. the next lawful day and the SPS should be contacted and advised of the circumstances.

126. Where an offender is taken into custody, current practice is that electronic tags are NOT routinely removed unless it becomes necessary for health and safety reasons. If this has become necessary the Police custody officer should ensure that the EM service provider is made aware that the tag has been removed to enable them to collect the tag from the relevant police office.

127. The EM service provider and SPS should also be informed if the offender is due to be released from custody, in order that arrangements can be made to have the offender retagged. The SPS should investigate the circumstances of all prisoners taken into...
custody before the issuing of a recall notice. Depending on the circumstances of the case, the SPS may decide not to recall immediately, but wait the outcome of the period in custody. In the event of a decision to recall the prisoner, arrangements may need to be made with SPS for the recall order to be delivered to the police at short notice.

128. The police can also report offenders on HDC to SPS if they believe the offender poses a risk to the public or has otherwise breached a condition to be of good behaviour. SPS may require further information from the police to justify a decision to recall. It is envisaged that this process will be the same as that used for parole, except that the notification would be to SPS rather than the Scottish Government Parole Unit.

Curfew Compliance Reports

129. Police may request a curfew compliance report from the EM service provider to support the investigation of offences, which might involve the prisoner. In current electronic monitoring cases where the police suspect that the offender has been involved in an offence, they make a request for relevant information via the force data protection officer, quoting the relevant part of the Data Protection Act. Applications made in this manner are in line with data protection legislation. If this process is not followed, the information may only be released with the express permission of the offender or where a warrant requiring the information has provided. The information is held in electronic form and the Data Protection Act applies. The same arrangements apply for HDC as for other offenders subject to electronic monitoring.

Recall

130. Where the SPS revoke the HDC licence and issue a recall order, the Police Scotland 24 hour records unit at ejoperationsedinburgh@scotland.pnn.police.uk shall be notified and arrangements will be made to apprehend the prisoner, unlawfully at large from date of revocation, and return him/her to the liberating establishment, identified by the SPS contact. In the event of a prisoner unlawfully at large, and where Police Scotland has no authority to force entry, consideration should be given application to a justice for a warrant to force entry under section 40A Prisons (Scotland) Act 1989.

131. While it would be lawful for the police to arrest the offender without a warrant, normal practice in parole cases is for the recall order to be in the hands of the police before action is taken on it. Depending on the urgency of the case, the order will either be despatched by post, email or collected from the prison. Revocation and recall decisions will be taken by the prison establishment from which the offender is released, which may of course be some distance from the address to which the offender is curfewed. In cases of urgency, arrangements can be made for the recall order to be issued at an establishment convenient for the police force. Orders for recall to custody should be treated as High Priority Category A as detailed within the protocol for Prioritisation of Warrants.
Damage to Equipment

132. On rare occasions the Police may be asked to investigate any complaint made by the EM service provider with regards to the disposal of or damage to any of the monitoring equipment, as is the case in all electronic monitoring orders.

Role of Electronic Monitoring (EM) Service Provider

Contractor Details

133. The current EM service provider, G4S were awarded the contract for the provision of electronic monitoring services in Scotland with effect from 1 April 2013. The contract will run for 5 years in the first instance. Contact details can be found in Annex 1.

Notification of Licence

134. SPS will notify the EM service provider of a prisoner’s release on HDC licence. This notification should be emailed at least seven days before the date of release. The EM service provider will check the day before to ascertain whether SPS list is still correct. To provide the EM service provider with a baseline figure each week, SPS will inform the EM service provider of all those sent for community assessment.

135. SPS will email a copy of the HDC licence and information on risk etc. to the service provider. If there are any details missing which the EM service provider require, the EM service provider will contact SPS to ascertain the correct details.

Installation of Electronic Monitoring Equipment

136. The EM service provider will install the monitoring equipment within the first 3 hours of the first curfew period.

137. If the prisoner is not at the curfew address when the EM service provider attends to install the equipment, the EM service provider will make one further attempt to install the equipment. This attempt will be between 1 and 2 hours after the first attempt.

138. If both attempts to install the equipment have been unsuccessful due to the absence of the prisoner from the curfew address, the EM service provider will telephone SPS within 30 minutes of the second attempt to advise of the failure to install the equipment. The EM service provider will then email a written report providing the details of the installation attempts and reason for failing to install the equipment to SPS within 2 hours of the second attempt to install. The written report will be copied to the supervising social worker (if one has been appointed) within the same timescales.

139. If the EM service provider has been unable to install the monitoring equipment because the person refuses to be monitored, the EM service provider will telephone SPS within
30 minutes of the attempt to install the equipment. The EM service provider will then email a written report to SPS, providing details of the installation attempt and reason for failing to install the equipment within 2 hours of the attempt to install. The written report will be copied to the supervising social worker (if one has been appointed) within the same timescales.

**Non Compliance of Curfew Condition**

140. Breach of the curfew condition includes:
- Arriving at your restriction place late;
- Failure to be present for the installation or withdrawing consent;
- Leaving your restriction place during your restriction times;
- Being at the place you are restricted from;
- Attempting to remove your tag;
- Interfering with or damaging your monitoring equipment;
- Moving address without seeking permission;
- Threats or violence towards monitoring staff.

**Action Taken by the EM Service Provider**

**Absence During a Curfew Period.**

141. In the event that the prisoner fails to return to the curfew address at the start of the curfew period, or leaves the curfew address during the curfew period, the EM service provider will:
- Take no action if the absence is for less than 5 minutes
- Telephone the curfew address within a further 15 minutes if the absence lasts for 1 hour
- Telephone the curfew address within 15 minutes of notification of the prisoners

return to the curfew address

142. If the prisoner denies the absence, the EM service provider will:
- Visit the same evening if the visit can be made prior to midnight, or within the first 4 hours of the next restriction period to check the equipment.

If a problem with the equipment is identified, the EM service provider will:
- Take steps to identify the cause of the problem and to rectify it
- Replace the equipment if required within 24 hours

If no problem with the equipment is identified:
- and the prisoner admits/denies to the absence, or
- the prisoner fails to answer the telephone when the electronic monitoring system shows he/she is in the curfew address, breach action will be taken as detailed below.
Presence at a Restricted Address

- In the event that the prisoner’s tag is picked up in the vicinity of an address they are restricted away from, the EM service provider will:
- **Telephone** the person staying at the restricted address within 5 minutes of notification that the prisoner is in the vicinity of to advise of the presence and determine if the prisoner is within the address
- Speak to the prisoner if they are at the restriction address, advising them that they are breaching the terms of their HDC licence and they should leave immediately
- **Instigate immediate breach action.**

Equipment Damage

143. In the event of a tamper alert (notification that the electronic tag has been interfered with in some way), the EM service provider will:
- **Telephone** the prisoner within 15 minutes of the tamper alert to establish the reason,
- **Visit within 4 hours** to check the equipment, investigate the cause of the tamper alert and change as required. If the visit would be carried out after midnight, this visit will be carried out within the first 4 hours of the next restriction period.

If the equipment damage was caused intentionally the EM service provider will:

- **Instigate immediate breach action**

Non-Compliance Alerts;

144. *Each Non-compliance alert requires a different response from the EM service provider.*

- **Non-compliance** - when a prisoner is absent from the curfew address for more than 6 hours of the curfew period, threatens or is violent towards the monitoring staff, intentionally damages or tampers with the electronic monitoring equipment necessitating repair or replacement, withdraws their consent to be monitored or is not present for the installation.

- **Non-compliance** –
  - **Minor Non-compliance of curfew:** where the offender has failed to be in his/her curfew address for more than 2 hours but less than 6 hours within one curfew period.
  - **Cumulative Non-Compliance of curfew (i):** Where the offender has failed to be in his/her curfew address, even for short absences of a few minutes, during curfew periods and this has occurred 5 times in a rolling 28 day period.
  - **Cumulative Non-Compliance of curfew (ii):** Where the offender's absences during curfew periods (19:30 - 07:30) have totalled more than 1.5 hours during a rolling 28 day period.
  - **Cumulative Non-compliance of curfew (iii):** Where the offender's absences during curfew periods have totalled more than 3 hours during a rolling 84 day period.
- **Non-compliance alert** - occurs when a prisoner is present at an address they are curfewed away from.

145. Where non-compliance is notified, the EM service provider will:
- **Telephone SPS within 1 hour** of the *non-compliance violation* being notified.
- **Email** a written breach report to SPS within 24 hours of the *non-compliance violation* being notified. This report will contain details of the type of non-compliance reported, the time of the potential non-compliance and details of any investigations undertaken by the EM service provider into the breach violation.

146. Where this non-compliance alert is notified, the EM service provider will:
- **Send a warning letter** to the prisoner within 24 hours, copied to SPS and the supervising social worker (if appointed).
- **Instigate immediate non-compliance action** on the occurrence of a second or subsequent non-compliance alert within 84 days.

147. Where this non-compliance alert is notified, the EM service provider will:
- **Telephone SPS within 30 minutes** of the non-compliance alert being notified.
- **Email** a written report to SPS within 2 hours of the non-compliance being notified, copied to the supervising social worker (if appointed). The EM service provider will not inform the prisoner that non-compliance action is being instigated.

148. The decision as to what action is taken in response to a non-compliance violation is taken by the SPS. The EM service provider will continue to electronically monitor all prisoners subject to HDC until SPS respond to the submitted non-compliance report. If SPS advise that the prisoner is to be recalled to custody, the EM service provider will cease monitoring the prisoner. A copy of the recall notice should be emailed to the EM service provider. The EM service provider will not remove the electronic monitoring equipment until SPS advise that the prisoner has been returned to custody. The EM service provider will not advise the prisoner that a recall notice has been issued.

**Changes of Address**

149. Only the SPS may sanction a change to the curfew address for a prisoner. If a prisoner contacts the EM service provider to advise they wish to change address, or to advise that they have had to leave the curfew address (whether of their own volition or not), the EM service provider will advise the prisoner to contact SPS. The EM service provider has no discretion to agree to changes of address for whatever reason. If the prisoner fails to return to the curfew address for the start of the curfew, or leaves the curfew address during the curfew period, the EM service provider will undertake non-compliance action as detailed above.

150. On receipt of an updated HDC 12 advising an agreed change of address, the EM service provider will install the electronic monitoring equipment at the new address within the first three hours of the first restriction period following receipt of the HDC 12.
Variations to Curfew Times

151. Only the SPS may change the conditions of a HDC licence, including changes to curfew hours. If the prisoner contacts the EM service provider to request a change of licence conditions, the EM service provider will advise the prisoner to contact SPS.

ROLE OF THE PAROLE BOARD FOR SCOTLAND

Decision-making process

152. The initial decision to grant HDC will be made by SPS. A risk assessment will be undertaken, which will include a report from CJSW Services. In respect of long term prisoners, a final decision on whether HDC should be granted can only be made once the Parole Board have decided to grant parole at the parole qualifying date. If parole is refused, the prisoner will not be eligible for release on HDC.

153. The HDC licence will include the standard licence conditions, details of the curfew condition and details of any non-standard licence conditions considered appropriate by SPS and CJSW Services. For long term prisoners it is expected that this would include any additional licence conditions which have been recommended by the Parole Board.

154. A copy of the Order prescribing the conditions to be attached to a HDC licence for both short and long term prisoners is attached at Annex 5.

Recall process

155. If it appears to Scottish Ministers that a prisoner released on HDC licence has failed to comply with any condition included in his/her licence, or his/her whereabouts can no longer be monitored remotely at the place for the restriction time specified in the curfew condition included in the licence, they may revoke the licence and instruct the prisoner to return to custody or the SPS may recall the person to prison.

156. In practice the decision making by Scottish Ministers will be exercised by the SPS and in particular by the relevant prisoner governor or his substitute. The decision to revoke the licence and issue an order for recall will be based on the evidence before the SPS and in particular from the EM service provider, CJSW Services and the police. The order for recall will be implemented by the police. The EM service provider will be informed that the HDC licence has been revoked and the prisoner recalled to prison in order that the monitoring can cease and the equipment can be recovered.

157. The SPS must specify whether the licence has been revoked under the terms of section 17A(1)(a) or section 17A(1)(b) of the Act. This is because the effect of these provisions on future eligibility for HDC is different. A copy of the legislation is attached at Annex 6.
• If an offender is recalled under section 17A(1)(a) he/she cannot be re-released by the SPS unless the offender makes a successful appeal to the Parole Board for Scotland.
• If an offender is recalled under section 17A(1)(b) he/she can be re-released at the discretion of the Governor. It should be noted that should the Governor choose not to release the offender he/she still has the option to appeal this decision to the Parole Board Scotland.

158. When the HDC licence has been revoked, the prisoner is treated as being unlawfully at large and can be arrested by the police and returned to prison. As for parole recalls, the police would return the offender to the nearest prison.

159. On return to prison custody, the prisoner must be informed of the reasons for the revocation of the licence and of his/her right to appeal against revocation. For those prisoners serving short term sentences, any recall will be for the remainder of the period which the prisoner would have served in custody had he/she not been released on HDC.

Long Term Prisoners Recalled to Custody from HDC Licence

160. For those prisoners serving long term sentences the recall to custody for non-compliance of HDC licence will also trigger a development in the prisoner’s circumstances that SPS requires to report to the Parole Board by way of an “Update Response in Custody Report for the Parole Board” – see Parole Handbook. The prisoner will be provided with four weeks to make representations on the information sent to the Board.

161. On e-referral of the case to the Parole Board a new panel of the Parole Board may suspend the Board’s previous decision to grant parole. Once the period within which the prisoner may make representations has passed that decision to suspend parole may be confirmed. As soon as the parole date has been suspended, or that suspension confirmed, the prisoner will no longer be eligible for re-release on HDC licence irrespective of whether any appeal against recall from HDC has been granted as they would no longer meet the statutory eligibility criteria for release on HDC licence.

162. If an appeal against recall from HDC has been granted after the Parole Board has completed its consideration of the Update Response in Custody Report, and decided to revoke / withdraw the original decision, it is expected that the case would be re-referred to the Parole Board to further consider whether parole should be granted.

163. Once an appeal against recall (from HDC) is made, SPS will forward the appeal case papers to the Parole Board within five working days of receiving the appeal. There is, however, no time limit placed on the prisoner to appeal against recall.

The Role of the Parole Board in considering representations against recall

164. The Parole Board has a statutory function to consider those cases referred to it by Scottish Ministers following the receipt of a prisoner’s representations against revocation of an HDC licence. The Parole Board should start its consideration within
seven days of the case papers being received. Early consideration is important as the majority of short term prisoners who have been recalled will be close to their earliest date of liberation. Long term prisoners will be close to their parole qualifying date, however, it should be noted that the HDC breach may result in parole being withdrawn (see section 2 above). In such circumstances even if an appeal against HDC recall is granted, the prisoner would not be eligible for re-release on HDC licence. Whenever possible the Parole Board would endeavour to consider appeals against recall prior to an adverse development report resulting from the breach of HDC licence.

165. Recall from HDC also affects future eligibility for HDC and could be taken into account in future decisions about parole. Therefore representations may be made against recall even if the appeal will not be dealt with until after the prisoner is released from prison.

166. The EM service provider will supply evidence of any breach of curfew condition to SPS. This will take the form of a computer generated report produced by the EM service provider. Breach of other conditions, such as failure to attend an appointment with a social worker or alcohol clinic, will be reported to the SPS by the supervising social worker. This information will be included in the appeal case papers referred to the Parole Board.

167. The Parole Board Rules require that 3 members are required to consider any case that is referred to it. The Board may seek further information in writing from the prisoner or the Scottish Ministers or others (e.g. the EM service provider or supervising officer), and it may decide that this information would best be obtained at an oral hearing.

168. If an oral hearing is held, this would take place in the prison. A panel of the Board would determine whether to direct, or decline to direct, that Scottish Ministers cancel the revocation.

169. The outcome of the appeal is usually notified to SPS by email within 24 hours of the decision being reached. This would be followed by written notification.

Relationship Between Update Response in Custody Report and Appeal Against Recall from HDC in Long Term Prisoner Cases

170. As detailed in paragraph 143 above, where a HDC licence is revoked, SPS will refer an Updated Response in Custody Report detailing the circumstances of the HDC breach to the Parole Board so that it can review the recommendation for parole in light of the change in circumstances.

171. In cases where the prisoner has also appealed against the decision to revoke the HDC licence, every effort will be made to consider the appeal in relation to this matter prior to considering the Updated Response in Custody Report which will focus on the issue of his/her suitability for early release on parole.

172. Following the adverse development referral, sent as a result of the HDC non-compliance, if the Parole Board directs the cancellation of the revocation of the HDC licence, the prisoner will be immediately re-released if he/she is still in custody.
173. If the prisoner is to be re-released, SPS will arrange for re-issue of the previous HDC licence, subject to any variation that might be required, and will arrange for the EM service provider to fit the electronic monitoring equipment.

174. If the revocation of the HDC licence has been cancelled following consideration of the appeal but the Parole Board has completed its consideration of the adverse development and determined that the prisoner should no longer be released on parole, the SPS should re-refer the case to the Parole Board for their further consideration in the light of the cancelling of the revocation.

175. If the prisoner has been liberated prior to the decision being reached, SPS will inform the prisoner at his/her home address and ensure SPS records are updated.
Summary of Roles, Responsibilities and Contact Protocols

Scottish Government - Contract Manager

- Management of Performance Contract with the EM service provider.

Electronic Monitoring Service Provider

- Compliance with contract:
  - equipment fit for purpose,
  - monitoring of curfew conditions effectively and efficiently
  - staffing resource to deliver contract deliverables

- Breach Procedures -
  - Submit reports of breaches to SPS in line with contract deliverables

Scottish Prison Service

- Risk assessment process
  - Identification of potentially eligible prisoners
  - Assessment against statutory criteria
  - Assessment against SPS selection criteria
  - Co-ordination of CJSW Community assessment
  - Management decision
  - Link to Police (Visor)

- Release on HDC
  - Standard and non-standard licence conditions
  - Communication/notification with EM service provider
  - Communication/notification with prisoner
  - Communication/notification with Police

- Appeal against decision to release
  - Appeals process through Internal Complaints Procedure (PCF)

- Breach and recall process
  - Action of breach process in partnership with Police/ EM service provider/ CJSW Services
  - Decision on non-compliance.
  - Instigate recall procedures
  - Communications with Police/ EM service provider/ CJSW Services
  - Inform prisoner of reasons for recall
  - If prisoner wishes to appeal decision to recall, SPS compile dossier to Parole Board
  - Abide by Parole Board’s decision
Criminal Justice Social Work Services

- Community Assessment Process
  - CJSW Community assessment for short term prisoners - based on contact with family/address
  - CJSW community assessment for long term prisoners – part of HBR for parole
  - Input non-standard conditions
  - 15 day turnaround from receipt to return to SPS

- Release on HDC
  - Deliver and monitor non-standard conditions
  - Supervise long term prisoners released on HDC
  - Communicate breaches to SPS

Police

- Apprehension and transfer of recalled prisoners to holding cells.
- Liaise with G4S Prison Escort Service to transfer to SPS
- Communication with EM service provider and SPS
- Central contact points for all Police Forces
- Report to SPS if prisoner is concerning them

Parole Board for Scotland

Appeal against recall procedure

- Review individual cases of appeal
- Decision on recall
- Communicate decision to SPS
Statutory Exclusions

The Management of Offenders (Scotland) Act, {Section 15(5) (5)} the Prisoners and Criminal proceedings (Scotland) Act 1993 (c.9) has been amended to include Section 3AA which sets out the following exclusions. Prisoners who

1. are required to register as sex offenders;
2. are subject to an extended sentence;
3. are subject to a supervised release order;
4. are subject to a hospital direction;
5. are awaiting deportation

will not be eligible for release on HDC under any circumstances.

Additionally, prisoners who are serving a non-offence term which is consecutive to their offence term are excluded. (If the prisoner pays the balance of the financial penalty imposed they will cease to be excluded)

Prisoners sentenced to less than three months are not eligible for the scheme and neither are long-term prisoners who have not been recommended for release at the halfway stage of their sentence by the Parole Board. Prisoners who have not served either one quarter, or four weeks, of their sentence (whichever is the greater) are not eligible for HDC.

Presumption against HDC

There is to be a presumption against granting HDC to the prisoners who fall into the categories listed below. This is not an outright ban on those prisoners obtaining HDC – it is a policy whereby prisoners who fall into those categories are to be assumed as being unsuitable for HDC unless their individual circumstances show that HDC is merited. The presumption against HDC only applies to cases which do not fall under any of the statutory exclusions listed above. The presumption against granting HDC applies to a prisoner—

1. whose index offence involved an act of violence;
2. whose index offence involved the possession or use of an offensive weapon;
3. whose index offence involved the possession or use of an article which has a blade or a sharp point; or
4. where it is assessed that the individual has known links to serious organised crime.

Below is a list of offence which are indicative of these points and there may exist a presumption against granting HDC. These offences come under the classification of crimes and offences as described in the Scottish Government Report – Recorded Crime in Scotland 2017-18, Annex 8. This list is not exhaustive and each case must be considered on it indiuval grounds. The report is accessible on the link below

Group 1: Non-sexual crimes of violence (Also referred to as Crimes of violence)
- Homicide etc. Includes:
  - Murder
  - Culpable homicide
    - Culpable homicide (common law)
    - Causing death by dangerous driving
    - Causing death by careless driving when under influence of drink or drugs
    - Causing death by careless driving
    - Illegal driver involved in fatal accident
    - Corporate homicide
- Attempted murder and serious assault Includes:
  - Attempted murder
  - Serious assault
- Other Includes:
  - Threats and extortion
  - Cruel and unnatural treatment of children
  - Possession of a firearm with intent to endanger life, commit crime etc.
  - Abduction
  - Drugging
  - Slavery or forced labour

Group 5: Other crimes
- Handling offensive weapons Includes:
  - Possession of an offensive weapon
  - Restriction of offensive weapons
  - Having in a public place an article with a blade or point
  - Having in prison an article with a blade or point
  - Possession of a firearm in a prison
  - Possession of an offensive weapon (not elsewhere specified) in a prison
  - Possession of an offensive weapon (not elsewhere specified) in a school
  - Having in a school an article with a blade or point
  - Possession of an offensive weapon used in other criminal activity
  - Having in a public place an article with a blade or point used in other criminal activity
  - Possession of an offensive weapon in a prison used in other criminal activity
  - Having in a prison an article with a blade or point used in other criminal activity
  - Possession of offensive weapon in a school used in other criminal activity
  - Having in a school an article with a blade or point used in other criminal activity
- Drugs Includes: *(These offence may indicate a possible involvement in SOCG and info should be obtained from local IMU on any known links to SOCG.)*
  - Importation of drugs
  - Production, manufacture or cultivation of drugs
  - Possession and supply of controlled drugs
  - Related money laundering offences
  - Bringing drugs into prison
Psychoactive substance: production, import/export, supply or possession in custody

- Other Includes:
  - Offences relating to serious organised crime

**Group 6: Miscellaneous offences**

- Common assault Includes:
  - Common assault
  - Common assault on an emergency worker

“Violence” is defined as an act of physical force which intended to hurt, damage or kill someone.

“Offensive weapon” means any article—

(a) made or adapted for use for causing injury to a person, or

(b) intended, by the person having the article, for use for causing injury to a person by—

   (i) the person having it, or

   (ii) some other person.

“Serious organised crime” is a crime involving two or more persons acting together for the principal purpose of committing or conspiring to commit a serious offence or a series of serious offences.

“Serious offence” means an indictable offence—

(a) committed with the intention of obtaining a material benefit for any person, or

(b) which is an act of violence committed or a threat made with the intention of obtaining such a benefit in the future.

(The definition of “offensive weapon” is taken from section 47(4) of the Criminal Law (Consolidation) (Scotland) Act 1995. The definitions of “serious organised crime” and “serious offence” are taken from section 28(3) of the Criminal Justice and Licensing (Scotland) Act 2010.)

**Scottish Prison Service Risk Factors**

Where the statutory exclusions don’t apply and the prisoner is not prevented from obtaining HDC by operation of the presumption against granting HDC, SPS will require to determine whether the prisoner is eligible and suitable for HDC. The following static factors will form part of the risk assessment process. In most cases where the following apply, the risk(s) presented may be considered significant enough to prevent release on HDC. It is important, however, to remember these factors do not in themselves exclude the prisoner from HDC; it is the risk(s) associated with these factors that must be taken into account. SPS may, therefore, face a number of challenges from prisoners refused HDC through the risk assessment process.

1. **Index Offence**
The details of index & previous offence(s) is evidence to be taken into account in Risk Assessment. You should include references to documentation or input from non-SPS sources, where relevant. (e.g. Social Enquiry Report)

2. History of sexual offending

This may be information that is available through VISOR or from previous convictions. The type of offence and the time lapse between previous and current offences should be taken into account.

It should be noted that this would apply to prisoners who have a history of sexual offending but are not currently subject to the notification requirements in Part 2 of the Sexual Offences Act 2003.

3. Schedule 1 of the Sexual Offences (Scotland) Act 2009

Current and/or previous offences should be taken into account. Again, time lapse and type of offence should be considered.

4. History of domestic violence

If information is available – most likely to be included within social enquiry reports. May be additional information provided by Community Assessment. Particular care should be taken when the victim of domestic violence is residing at the curfew address.

5. History of Violent offence or those using a weapon

If information is available – most likely to be included within social enquiry reports. May be additional information provided by Community Assessment or obtained from previous warrant information on PR2. This will only apply where the index offence is not an offence of violence and does not involve a weapon – there will be a presumption against HDC for those offenders.

6. Previously failed to comply with HDC licence conditions

Although no longer a statutory exclusion, due cognisance should be paid to any previous breach of HDC Licence conditions and the circumstances surrounding them.

7. Failure to engage in Core Screen and Community Integration Plan, including accessing interventions

This will be based on feedback from links centre staff and all relevant service providers on the prisoner’s response to treatment and interventions regarding attitude and motivation.

8. History of adverse behaviour while in prison

This will be based on local/personal knowledge of the prisoner. The key here is not to focus on how a prisoner has behaved while in the controlled environment of a prison, rather to assess how demonstrated behaviours could predict the risk of re-offending or causing harm while on HDC licence. Examples of such behaviour may be;
• Drug use while in prison;
• Evidence the prisoner is/has been concerned in the supply of drugs in prison;
• Violent behaviour (threatening or actual) towards other prisoners;
• Violent behaviour (threatening or actual) towards prison staff;
• Evidence of self-harming;
• Regular displays of anger;
• Serious breaches of discipline (concerted); and
• Problems during visits

Other dynamic factors may be taken into account on a case by case basis, based on local knowledge of the prisoner and his/her background.
### HDC Form Review Summary

<table>
<thead>
<tr>
<th>New Form No</th>
<th>Description</th>
<th>Legacy Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>HDC 1</td>
<td>Prisoner Information Request</td>
<td>Replaces HDC1</td>
</tr>
<tr>
<td>HDC 2</td>
<td>Risk Assessment</td>
<td>Replaces HDC 3</td>
</tr>
<tr>
<td>HDC 3</td>
<td>Community Assessment Request</td>
<td>Replaces HDC 2a</td>
</tr>
<tr>
<td>HDC 4</td>
<td>Community Assessment Report</td>
<td>Replaces HDC 2b</td>
</tr>
<tr>
<td>HDC 5</td>
<td>Community Assessment Outcome Notification</td>
<td>Replaces HDC 2b (return)</td>
</tr>
<tr>
<td>HDC 6</td>
<td>Victim Notification Scheme</td>
<td>Replaces HDC 9a and 9b</td>
</tr>
<tr>
<td>HDC 7</td>
<td>Notifying Prisoner of HDC Authorisation</td>
<td>Replaces HDC 4c</td>
</tr>
<tr>
<td>HDC 8</td>
<td>Notifying Prisoner of HDC Refusal</td>
<td>Replaces HDC 4a-1, 4a-2, 4b-1, 4b-2</td>
</tr>
<tr>
<td>HDC 9</td>
<td>EMSP Informed of HDC Release</td>
<td>Replaces HDC6</td>
</tr>
<tr>
<td>HDC 10</td>
<td>Cancellation Notification to EMSP</td>
<td>Replaces HDC7</td>
</tr>
<tr>
<td>HDC 11</td>
<td>Cancellation Notification to Prisoner</td>
<td>Not on previous documentation list</td>
</tr>
<tr>
<td>HDC 12</td>
<td>Update/Change of Release Details</td>
<td>Replaces HDC6a</td>
</tr>
<tr>
<td>HDC 13</td>
<td>Note of Decision to Recall or not</td>
<td>Replaces HDC5</td>
</tr>
<tr>
<td>HDC 14</td>
<td>Notice to EMSP of decision not to recall</td>
<td>Not on previous documentation list</td>
</tr>
<tr>
<td>HDC 15</td>
<td>Revocation of Licence – Prisoner</td>
<td>Replaces HDC 4d and 5b</td>
</tr>
<tr>
<td>HDC 16</td>
<td>Revocation of Licence – Criminal Justice Agencies</td>
<td>Replaces HDC5a and 7a</td>
</tr>
<tr>
<td>HDC 17</td>
<td>Revocation of Licence – VNS</td>
<td>Replaces HDC 9c</td>
</tr>
<tr>
<td>HDC 18</td>
<td>Prisoner Appeal to Parole Board</td>
<td>Replaces HDC 8a(i)</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>HDC 19</td>
<td>Revised Management Decision</td>
<td>Not on previous documentation list</td>
</tr>
<tr>
<td>HDC 20</td>
<td>Appeal Dossier Checklist</td>
<td>Replaces HDC 8b and 8c</td>
</tr>
<tr>
<td>HDC 21</td>
<td>Prisoner’s withdrawal of application</td>
<td>Replaces HDC Withdrawal</td>
</tr>
<tr>
<td>No number</td>
<td>HDC Licence</td>
<td>Unchanged</td>
</tr>
<tr>
<td>No number</td>
<td>HDC Licence (Change of Conditions)</td>
<td>Unchanged</td>
</tr>
</tbody>
</table>
Home Detention Curfew
Prisoner Information Request
(to be completed by Prisoner)

<table>
<thead>
<tr>
<th>Last Name</th>
<th>PRISONER_SURNAME</th>
<th>First Name(s)</th>
<th>PRISONER_FORENAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner No.</td>
<td>PRISONER_NO</td>
<td>Establishment</td>
<td>USER_ESTABLISHMENT_NAME</td>
</tr>
<tr>
<td>Hall</td>
<td>HALL_NAME</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

You have been identified as being eligible to apply for release on Home Detention Curfew, if you wish to be considered for the scheme please provide the information requested on this form. If you do not wish to be considered please sign this form and return it to your Personal Officer.

<table>
<thead>
<tr>
<th>Proposed Address (including postcode)</th>
<th>ADDRESS_1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ADDRESS_2</td>
</tr>
<tr>
<td></td>
<td>TOWN_CITY</td>
</tr>
<tr>
<td></td>
<td>COUNTY</td>
</tr>
<tr>
<td></td>
<td>POSTCODE</td>
</tr>
</tbody>
</table>

| Telephone/Mobile Number | PRISONER_PHONE_NUMBER |

Who is the main occupier of this address?

Criminal Justice Social Work Services will contact this person to discuss the possibility of curfewing you to this address. If it is necessary, what would be the best time for someone to call at the address to make enquiries?

Best time:

If there is no other occupier, i.e. if you live alone, please supply the name, address and telephone number of the landlord or secondary key holder should be provided.

<table>
<thead>
<tr>
<th>Landlord/Keyholder name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landlord/Keyholder address:</td>
</tr>
<tr>
<td>Postcode:</td>
</tr>
</tbody>
</table>

If you do not live alone, what is your relationship to person(s) living at your proposed address?

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship to you</th>
<th>Age (if under 18)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Have you ever been convicted or cautioned for an offence against any of the above, or any neighbours to the above address? If so please give details.

*Please delete as appropriate:
*I wish / do not wish to be considered for the Home Detention Curfew scheme and the above information is to the best of my knowledge correct.
*I am / I am not content for the landlord to be contacted

Signature

Date

Please note: If you are a Foreign National we will contact the Home Office, Immigration Enforcement Criminal Casework Directorate regarding your Immigration status. If deportation is being pursued this factor will be taken into account when considering your possible release on Home Detention Curfew.
### Home Detention Curfew
#### SPS Risk Assessment (Form HDC2)

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner No.</td>
<td>Establishment</td>
</tr>
<tr>
<td>Sentence</td>
<td>Years</td>
</tr>
<tr>
<td>HDC Qualification Date</td>
<td>EDL</td>
</tr>
<tr>
<td>VNS</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PSS Level</th>
<th>Yes / No</th>
<th>PSS Review Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner is High or Medium Supervision</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Statutory Exclusions
- Prisoner is required to register as a Sex Offender
- Prisoner has an Extended Sentence
- Prisoner has a Supervised Release Order
- Prisoner has previously been recalled from licence
- Prisoner is subject to a Hospital Direction
- Prisoner is awaiting deportation

#### Presumptions Against Release on HDC
- Whose index offence involved an act of violence
- Whose index offence involved the possession or use of an offensive weapon
- Whose index offence involved the possession or use of an article which has a blade or a sharp point, or
- Who has known links to serious organised crime

#### Evidence exists that the Prisoner:
- Has a history of sexual offending (who are not subject to notification requirements)
- Has been convicted of a Schedule 1 offence
- Has a history of domestic violence/abuse
- Has previous offences which included acts of violence or use of weapons
- Has previously failed to comply with the conditions of an HDC release licence
- Has not engaged in Core Screen/CIP
- Has displayed serious adverse behaviour while in prison (e.g. violent/threatening behaviour)

#### Details of index & previous offence(s) and evidence taken into account in Risk Assessment (and the source)
*(Include references to documentation or input from non-SPS sources (e.g. Social Enquiry Report)*)
Describe any other mitigating factors taken into account during the risk assessment
(These will be dynamic factors identified through personal knowledge of the prisoner and his/her background)

Victim Notification Scheme (See GMA 13A/08 for full process)

| Is there a VNS Marker on the Prisoner Details Screen on PR2 | Yes | No |

If NO, proceed to seek authority for Community Assessment.
If YES, complete the relevant form and send to vns@sps.gov.uk. Do NOT continue with risk assessment until response is received.

<table>
<thead>
<tr>
<th>Date sent to Legal Services</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date reply received from Legal Services</td>
<td></td>
</tr>
<tr>
<td>Are there any representations from victims?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Proceed to seek authority for Community Assessment, include victim’s representations if any received.

Community Assessment Authorised
(include consideration given to victim representations where appropriate)
Non-standard Licence conditions and the ability to be monitor these in the community should be recorded on Community Assessment Request.
### HDC Manager Recommendation *(Tick to indicate)*

<table>
<thead>
<tr>
<th>Proceed for approval for HDC Release</th>
<th>Application for HDC Rejected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reasons for recommendation</td>
<td></td>
</tr>
<tr>
<td>(include reference to index offence, victims representations and Community Assessment as necessary)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Job Role:</th>
<th>Signature</th>
<th>Date:</th>
</tr>
</thead>
</table>

*Where the recommendation is to approve the application for release on HDC, the complete HDC File should be passed to the Governor in Charge for the final decision.*

### Governor in Charge Final Decision *(Tick to indicate)*

<table>
<thead>
<tr>
<th>HDC application approved</th>
<th>Application for HDC Rejected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reasons for decision</td>
<td></td>
</tr>
<tr>
<td>(include reference to index offence, victims representations and Community Assessment as necessary)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Job Role:</th>
<th>Signature</th>
<th>Date:</th>
</tr>
</thead>
</table>
Release on HDC is subject to the following licence conditions

1. Standard HDC Licence Conditions
2. Curfew (e.g. 19:00 to 07:00 hours): ______________ to ______________
3. Special Curfew (e.g. curfew times changed due to regular domestic commitments):
   ______________________________________________________________________
   ______________________________________________________________________
4. Non-standard conditions and monitoring arrangements (if applicable):
This document may be disclosed to the offender. Prisoner Information Request must be attached to this form.

<table>
<thead>
<tr>
<th>To (LA Contact)</th>
<th>Address</th>
<th>From</th>
<th>User ESTABLISHMENT NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>USER_NAME</td>
<td>HM Prison</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of request</th>
<th>Date for return to SPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TODAY'S DATE</td>
<td>TODAY'S DATE +14 DAYS</td>
</tr>
</tbody>
</table>

**PRISONER’S DETAILS**

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Prisoner Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRISONER_SURNAME</td>
<td>PRISONER_FORENAME</td>
<td>PRISONER_NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Birth</th>
<th>Prisone r Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE_OF_BIRTH</td>
<td>PRISONER_NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HDC Qualification Date</th>
<th>SCRO Number</th>
<th>SCRO Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>HDC_QUALIFICATION_DATE</td>
<td>SCRO_NO</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Earliest Date of Liberation</th>
<th>Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDL_DATE</td>
<td>COURT_NAME</td>
</tr>
</tbody>
</table>

| Offence(s) | |
|------------||

The above named offender is being considered for Home Detention Curfew. Attached is a Community Assessment Report requesting details of the proposed release address provided by the prisoner on the Prisoner Request form.

Your views are sought on the suitability of the address for Home Detention Curfew. The offender has met the criteria of internal assessment by the SPS and is now eligible for HDC Community Assessment.

N.B. Offenders eligible for the HDC scheme will normally be released on HDC unless the proposed release address is not suitable or if there are extreme circumstances or factors that would make release unwise. Where other persons are living at the proposed address, you should ensure that they understand the nature of the Home Detention Curfew Scheme and the possible impact of the curfew on those living at the address. You should also ensure they have...
been given the opportunity to raise any issues/concerns they may have. Contact may be in the form of a letter, telephone call or visit, depending on what is appropriate on the basis of the information available to Community Justice Social Work Services.

If the address is deemed suitable, we would wish to impose the following non-standard licence conditions. Please use the Community Assessment Report to confirm that compliance with these conditions can be monitored and describe any additional conditions that you would consider desirable.

a)  
b)
# Home Detention Curfew

## Community Assessment Report

(To be completed by Criminal Justice Social Work)

<table>
<thead>
<tr>
<th>Last Name</th>
<th>PRISONER_SURNAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Birth</td>
<td>DATE_OF_BIRTH</td>
</tr>
<tr>
<td>Establishment</td>
<td>USER_ESTABLISHMENT_NAME</td>
</tr>
<tr>
<td>First Name(s)</td>
<td>PRISONER_FORENAME</td>
</tr>
<tr>
<td>Prisoner No.</td>
<td>PRISONER_NO</td>
</tr>
</tbody>
</table>

### 1. Accommodation Details

<table>
<thead>
<tr>
<th>Yes / No</th>
</tr>
</thead>
</table>

Please confirm the type of accommodation: Private/council/lodging/other:

<table>
<thead>
<tr>
<th>Does the proposed address have an electricity supply?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Was the prisoner resident at this address prior to custody?</th>
</tr>
</thead>
</table>

  **If YES, how long did the prisoner reside at this address?**

<table>
<thead>
<tr>
<th>Is this address suitable <em>(e.g. own bedroom)</em></th>
</tr>
</thead>
</table>

While a mobile signal is the preferred choice when monitoring those prisoners on HDC, in the case of a poor or no signal, the electronic monitoring provider would resort to using a landline for monitoring purposes. Any messaging facility used on a landline would have to be removed during the HDC period. An additional business line can be installed if there is a requirement to retain the use of the messaging facility.

<table>
<thead>
<tr>
<th>Does the householder understand that the prisoner will be staying at the address until the end of their curfew period (EDL)?</th>
</tr>
</thead>
</table>
2. **Activity & Responsibility Details**

Family/domestic responsibilities: Does the prisoner have domestic responsibilities out with the home, e.g., child care, taking children to school, care of relative etc.

Any other relevant factors: e.g. religious practices, regular outpatient treatment. (Please note that holidays and social occasions are not relevant for the purposes of setting restriction periods).

<table>
<thead>
<tr>
<th>Type of Activity</th>
<th>Time of day e.g. 3pm to 5pm</th>
<th>Frequency e.g. every Thursday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please outline relevant regular activities:

3. **Relationship Issues**

Will the prisoner be living alone?

If the prisoner lives with other people, or other people live in a dwelling to which the prisoner may be restricted, do any of these people object to the likelihood that the prisoner will be restricted to that address?

If YES please give details of the objections:

(Insert Text)

Are you aware of any known victim issues that would prevent release to this address?

If YES please give details:

(Insert Text)

In addition to a restriction to a specified address, should the prisoner also be considered for restriction AWAY from a specified address?

If YES please give details:

(Insert Text)
4. Summary & Comment

<table>
<thead>
<tr>
<th>Assessment of suitability:</th>
<th>Yes / No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there any issues that you wish to draw to the attention of the Governor?</td>
<td></td>
</tr>
<tr>
<td><strong>If YES please give details:</strong></td>
<td></td>
</tr>
<tr>
<td><em>(Insert Text)</em></td>
<td></td>
</tr>
<tr>
<td>Are special curfew hours recommended?</td>
<td></td>
</tr>
<tr>
<td><strong>If YES please give details:</strong></td>
<td></td>
</tr>
<tr>
<td><em>(Insert Text)</em></td>
<td></td>
</tr>
<tr>
<td>Are the suggested non-standard licence conditions (from Community Assessment Request) appropriate?</td>
<td></td>
</tr>
<tr>
<td><strong>If NO, please give details below:</strong></td>
<td></td>
</tr>
<tr>
<td><em>(Insert Text)</em></td>
<td></td>
</tr>
<tr>
<td>Do CJSW Services wish additional licence conditions considered?</td>
<td></td>
</tr>
<tr>
<td><strong>If YES, please give details below:</strong></td>
<td></td>
</tr>
<tr>
<td><em>(Insert Text)</em></td>
<td></td>
</tr>
</tbody>
</table>

Where it appears the prisoner may qualify for release on HDC, the proposed curfew address should be assessed for suitability. This assessment will be carried out by CJSW Services who **must** visit the address (The address must be visited unless geographically distant or the prisoner is the sole key holder). The assessment will identify whether there is the need for specific curfew arrangements and other conditions. The assessment will be expected to be valid for a period of six weeks after submission.

I have / have not (*) visited the proposed address. (*) delete as appropriate

If no contact has been made with the proposed address, please state why e.g. prisoner lives alone:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Signed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>Grade:</td>
</tr>
</tbody>
</table>
Home Detention Curfew
Community Assessment Report Outcome
(To be emailed to the appropriate Social Work Department when the management decision has been reached.)

Decision on HDC Application

<table>
<thead>
<tr>
<th>Last Name:</th>
<th>PRISONER_SURNAME</th>
<th>First Name:</th>
<th>PRISONER_FORENAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner Number:</td>
<td>PRISONER_NO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

LETTER_TEXT

<table>
<thead>
<tr>
<th>Name</th>
<th>USERNAME</th>
<th>Signed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment</td>
<td>USER_ESTABLISHMENT_NAME</td>
<td>Date</td>
<td>TODAYS_DATE</td>
</tr>
</tbody>
</table>
To: Legal Services (vns@sps.gov.uk)
From: HDC Administrator
Establishment: USER_ESTABLISHMENT_NAME

<table>
<thead>
<tr>
<th>Offender Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
</tr>
<tr>
<td>First Name(s)</td>
</tr>
<tr>
<td>Date of Birth</td>
</tr>
<tr>
<td>Prisoner No.</td>
</tr>
<tr>
<td>HDC Qualification Date</td>
</tr>
<tr>
<td>SCRO No.</td>
</tr>
<tr>
<td>Proposed Address</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>EDL</td>
</tr>
</tbody>
</table>

For Legal Services Use – please inform Establishment

<table>
<thead>
<tr>
<th>Please tick</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. There are no representations to be considered</td>
</tr>
<tr>
<td>2. Representations have been received from victim(s) and are being checked and will be forwarded in hard copy</td>
</tr>
</tbody>
</table>

Please ensure that Legal Policy are advised of the decision made on HDC whether it is granted or not.

<table>
<thead>
<tr>
<th>HDC Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>HDC Granted (Y/N)</td>
</tr>
<tr>
<td>HDC Address</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>HDC Release Date</td>
</tr>
</tbody>
</table>

The above prisoner is being released on HDC. A copy of the licence is attached.

<table>
<thead>
<tr>
<th>Please tick</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>
HDC has not been granted. Legal Services will be advised if this decision is appealed once the outcome of the appeal is known.
Dear PRISONER_FORENAME  PRISONER_SURNAME

You recently applied to be released early from prison on the Home Detention Curfew scheme. Having considered your application in full, I am pleased to confirm your release on the scheme has been authorised from HDC_RELEASE_DATE subject to the following conditions:

1. You must allow the Electronic Monitoring Contractor staff access to you at your curfew address from hours on the day you are released from Prison. The contractor will install monitoring equipment on the day you are released, but you will not be able to leave this address until your curfew period ends the following morning (e.g. hours)
2. You must be present at your curfew address each day between the hours and . If you are going to be absent during these hours, for any reason, you must contact the tagging contractor immediately and they will tell you what to do.
3. You must be of good behaviour and keep the peace
4. You must not commit any offence
5. You must not tamper with or intentionally damage the electronic monitoring equipment or device(s) used to monitor compliance with curfew conditions complying with section 12AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993, or knowingly allow such equipment or devices to be tampered with or intentionally damaged.
6. You must allow a representative or employee of the Electronic Monitoring Contractor access to the address specified in this licence for the purposes of section 12AB(a)(a) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to install and check the electronic monitoring equipment or device(s).

These conditions and any additional conditions will be confirmed by the Home Detention Curfew licence that you will be required to sign before your release.

Yours sincerely,
Governor

USER_ESTABLISHMENT_NAME
Dear [PRISONER_FORENAME] [PRISONER_SURNAME],

You may be aware of the Home Detention Curfew scheme that is available to prisoners’ in Scotland. Having checked your records, I regret to inform you that, due to the reason(s) detailed below, you will not be eligible for release under this scheme.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended by the Management of Offenders etc. (Scotland) Act 2005) provides for early release on the Home Detention Curfew Scheme when a prisoner meets certain conditions.

You have been refused because:

(please tick the appropriate box)

<table>
<thead>
<tr>
<th></th>
<th>In your case one or more of these conditions have not been met, specifically:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>[ ] <strong>STATUTORY_EXCLUSIONS</strong>&lt;br&gt;The Scottish Prison Service is not required to release prisoners on the Home Detention Curfew scheme who do not satisfy the criteria laid down in the above legislation, this decision is therefore final.</td>
</tr>
<tr>
<td>b</td>
<td>[ ] The Scottish Prison Service is required to assess the risks posed to yourself and the community should you be released early from prison. Our assessment highlighted significant risk due to:&lt;br&gt;Enter summary of SPS Risk Assessment specifying reason(s) why prisoner has been refused&gt;</td>
</tr>
</tbody>
</table>

Your liberation date will not be affected by this decision. Should you wish to appeal the above decision please do so using a form PCF1.

Yours sincerely,

[GOVERNOR_NAME]

[USER_ESTABLISHMENT_NAME]
# Home Detention Curfew

**Electronic Monitoring Service**

Provider informed of HDC Release

---

## IMPOSITION OF ELECTRONIC MONITORING AS A CONDITION OF EARLY RELEASE

<table>
<thead>
<tr>
<th>Form submitted by (Name/Establishment)</th>
<th>USERNAME USER_ESTABLISHMENT_NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment telephone number</td>
<td>ESTABLISHMENT_PHONE</td>
</tr>
</tbody>
</table>

## Offender Details

<table>
<thead>
<tr>
<th>Name</th>
<th>PRISONERFORENAME PRISONER_SURNAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner No.</td>
<td>PRISONERNO</td>
</tr>
<tr>
<td>Date of birth</td>
<td>DATEOFBIRTH</td>
</tr>
<tr>
<td>Marks/Scars (type/location)</td>
<td>MARKS&amp;SCARSTYPE MARKS&amp;SCARSLOCATION</td>
</tr>
</tbody>
</table>

## Details of the Offender’s Curfew Conditions

<table>
<thead>
<tr>
<th>HDC Release Date</th>
<th>HDCRELEASEDATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curfew Address</td>
<td>Address/Location restricted from</td>
</tr>
<tr>
<td></td>
<td>ADDRESS1 ADDRESS2 TOWN_CITY COUNTY COUNTRY POSTCODE</td>
</tr>
<tr>
<td>Hours of restriction on day of release</td>
<td>- ; -</td>
</tr>
<tr>
<td>Normal hours of restriction</td>
<td>-</td>
</tr>
<tr>
<td>Start Date</td>
<td>HDCRELEASEDATE</td>
</tr>
<tr>
<td>End Date (EDL)</td>
<td>EDLDATE</td>
</tr>
</tbody>
</table>

## SPS Authorisation

[Signature]

---

Prisoner Photo

October 2018 56
**Home Detention Curfew**
**Notification of HDC Cancellation**

<table>
<thead>
<tr>
<th>Last Name</th>
<th>PRISONER_SURNAM E</th>
<th>First Name(s)</th>
<th>PRISONER_FORENAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner No.</td>
<td>PRISONER_NO</td>
<td>Date of Birth</td>
<td>DATE_OF_BIRTH</td>
</tr>
<tr>
<td>Notified Release Date</td>
<td>HDC_RELEASE_DATE</td>
<td>Establishment</td>
<td>USER_ESTABLISHMENT_NAME</td>
</tr>
</tbody>
</table>

Sirs,

Release on Home Detention Curfew for the above named prisoner has been cancelled.

Yours,

USERNAME
HDC Administrator
USER_ESTABLISHMENT_NAME

Date: TODAY'S_DATE
Dear PRISONER_FORENAME PRISONER_SURNAME

You recently applied to be released early from prison on the Home Detention Curfew scheme. I regret to inform you that, due to the circumstances detailed below, your planned early release under this scheme has been cancelled.

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended by the Management of Offenders etc. (Scotland) Act 2005), provides for early release on the Home Detention Curfew Scheme when a prisoner meets certain conditions. The Scottish Prison Service is required to assess the risks posed to yourself and the community should you be released early from prison.

Your circumstances have since changed due to:

<Enter summary of SPS Risk Assessment specifying reason(s) why prisoner has been refused>

Should your circumstances change you may re-apply for release on the Home Detention Curfew Scheme at a later date.

Your earliest date of liberation will not be affected by this decision.

Yours sincerely,

Governor

USER_ESTABLISHMENT_NAME
Home Detention Curfew
Update/Change of Release Details

**IMPOSITION OF ELECTRONIC MONITORING AS A CONDITION OF EARLY RELEASE**

<table>
<thead>
<tr>
<th>Form submitted by</th>
<th>Establishment telephone number</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NAME/ESTABLISHMENT</strong></td>
<td><strong>ESTABLISHMENT_PHONE</strong></td>
</tr>
</tbody>
</table>

**Offender Details**

<table>
<thead>
<tr>
<th>Name</th>
<th>PRISONER_FORENAME</th>
<th>PRISONER_SURNAME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

| Details of Change | | |
|-------------------|-----------------|
| Change of Address (Y/N) | Yes | Start Date |
| Change to Curfew Time (Y/N) | Yes | End Date |
| Change of HDC Period (Y/N) | Yes | Date EMSP first informed of release |

<table>
<thead>
<tr>
<th>Previous curfew Address</th>
<th>New curfew Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;Address 1&gt;</td>
<td>&lt;Address 1&gt;</td>
</tr>
<tr>
<td>&lt;Address 2&gt;</td>
<td>&lt;Address 2&gt;</td>
</tr>
<tr>
<td>&lt;Town / City&gt;</td>
<td>&lt;Town / City&gt;</td>
</tr>
<tr>
<td>&lt;County&gt;</td>
<td>&lt;County&gt;</td>
</tr>
<tr>
<td>&lt;Postcode&gt;</td>
<td>&lt;Postcode&gt;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hours of restriction on day of release</th>
<th>Hours of restriction on day of release</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Normal hours of restriction</th>
<th>Normal hours of restriction</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Start Date</th>
<th>Start Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>End Date</td>
<td>End Date</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special hours of restriction</th>
<th>Special hours of restriction</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date(s) special hours apply</th>
<th>Date(s) special hours apply</th>
</tr>
</thead>
</table>
**Home Detention Curfew**

**Note of Decision to Recall or not**

---

### Core Details

<table>
<thead>
<tr>
<th>Name</th>
<th>Sentence</th>
<th>Years</th>
<th>Months</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRISONER_FORENAME</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PRISONER_SURNAME</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number</th>
<th>Sentence Term</th>
<th>Mths</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRISONER_NO</td>
<td>SENTENCE_TERM_M_YY</td>
<td>SENTENCE_TERM_MTHS</td>
<td>SENTENCE_TERM_DAYS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HDC Qualification Date</th>
<th>Date Breach Report received</th>
<th>Date Breach Report received</th>
</tr>
</thead>
<tbody>
<tr>
<td>HDC_QUALIFICATION_DATE</td>
<td>EDL_DATE</td>
<td>BREACH_DATE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HDC Release Date</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>HDC_RELEASE_DATE</td>
<td>Date Breach Report received</td>
<td></td>
</tr>
</tbody>
</table>

---

### Breach Report Received from

<table>
<thead>
<tr>
<th>Yes / No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Monitoring Service Provider</td>
</tr>
<tr>
<td>Police</td>
</tr>
<tr>
<td>Criminal Justice Social Work</td>
</tr>
<tr>
<td>Other (please specify)</td>
</tr>
</tbody>
</table>

---

### Type of Breach:

**REASON_FOR_BREACH**

---

### Details of Breach

---

**Describe any other mitigating factors taken into account**
### Decision to Recall

<table>
<thead>
<tr>
<th>Is the offender to be recalled? (Y/N)</th>
<th>RECALL_DECISION</th>
</tr>
</thead>
</table>

### Reason for Decision


<table>
<thead>
<tr>
<th>Name</th>
<th>USERNAME</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Signed</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>TODAYS_DATE</th>
</tr>
</thead>
</table>
Dear Sirs,

Thank you for your HDC Breach Report of BREACH_DATE notifying us of the potential breach of HDC Licence Conditions by PRISONER_FORENAME PRISONER_SURNAME of ADDRESS_1, ADDRESS_2, TOWN_CITY, COUNTY, COUNTRY, POSTCODE. At this time we will not be recalling PRISONER_FORENAME PRISONER_SURNAME.

Yours sincerely,

USERNAME

HDC Administrator
Home Detention Curfew
Revocation of Licence - Prisoner

To: PRISONER_FORENAME PRISONER_SURNAME
From:
USER_ESTABLISHMENT_NAME
ADDRESS_1 E_ADDRESS_1
ADDRESS_2 E_ADDRESS_2
TOWN_CITY E_TOWN_CITY
COUNTY E_COUNTY
COUNTRY E_COUNTRY
POSTCODE E_POSTCODE

Telephone No: ESTABLISHMENT_PHONE
Date: TODAYS_DATE

Dear PRISONER_FORENAME PRISONER_SURNAME

On HDC_RELEASE_DATE you were released from prison on a Home Detention Curfew licence. Your release was subject to the following conditions

7. You must allow the Electronic Monitoring Contractor staff access to you at ADDRESS_1, ADDRESS_2, TOWN_CITY, COUNTY, COUNTRY, POSTCODE from hours on for the purposes of installing electronic monitoring equipment. Following installation you must not leave this address before on.

8. From you must be present at ADDRESS_1, ADDRESS_2, TOWN_CITY, COUNTY, COUNTRY, POSTCODE each day between the hours and.

9. You must be of good behaviour and keep the peace

10. You must not commit any offence

11. You must not tamper with or intentionally damage the electronic monitoring equipment or device(s) used to monitor compliance with curfew conditions complying with section 12AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993, or knowingly allow such equipment or devices to be tampered with or intentionally damaged.

12. You must allow a representative or employee of the Electronic Monitoring Contractor access to the address specified in this licence for the purposes of section 12AB(a)(a) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to install and check the electronic monitoring equipment or device(s).

7. <Additional Condition 1>
8. <Additional Condition 2>

We have been notified that on BREACH_DATE you failed to comply with one or more of the above conditions, specifically:

REASON_FOR_BREACH

In accordance with the Prisoners and Criminal Proceedings (Scotland) Act 1993, your licence has been revoked with immediate effect. You are now required to serve the remainder of your sentence in prison (subject to early release).

October 2018
Yours sincerely,

Governor
HM Prison \textit{USER\_ESTABLISHMENT\_NAME}

\textit{To be issued when prisoner is returned to prison custody}
To: Force Intelligence Bureau

From: USER_ESTABLISHMENT_NAME

Police Scotland

Telephone No: ESTABLISHMENT_PHONE

Date: TODAYS_DATE

On HDC_RELEASE_DATE the Offender named below was released from HM Prison USER_ESTABLISHMENT_NAME on a Home Detention Curfew Licence. We have been notified that he/she has failed to comply with the conditions of his/her licence.

In accordance with the Prisoners and Criminal Proceedings (Scotland) Act 1993, his/her licence has been revoked with immediate effect and he/she is therefore now regarded as being unlawfully at large.

He/she should therefore be returned to the custody of HM Prison USER_ESTABLISHMENT_NAME as soon as possible. If it is not practical to return the prisoner to the above establishment, he/she should be taken to the local prison serving the force area in which he/she was apprehended.

<table>
<thead>
<tr>
<th>Name: PRISONER_FORENAME PRISONER_SURNAME</th>
<th>Date of Birth: DATE_OF_BIRTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Known Address: ADDRESS_1 ADDRESS_2 TOWN_CITY COUNTY COUNTRY POSTCODE</td>
<td>E.D.L.: EDL_DATE</td>
</tr>
<tr>
<td>SCRO Number: SCRO_NO</td>
<td>Prisoner Number: PRISONER_NO</td>
</tr>
</tbody>
</table>

Sent electronically on behalf of the Governor HM Prison USER_ESTABLISHMENT_NAME
<table>
<thead>
<tr>
<th>For Administration Purposes:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EMPS informed of HDC Release</td>
<td>Date Recall Notice Issued</td>
<td>Date Prisoner returned to Custody</td>
</tr>
<tr>
<td></td>
<td>RECALLED_ON</td>
<td>RETURN_TO_CUSTODY</td>
</tr>
</tbody>
</table>

Copies to: Electronic Monitoring Service Provider  
Criminal Justice Social Work  
Warrant Administration
Recall
The Offender named below has been recalled from HDC and has now been returned to prison custody. If the prisoner was unlawfully at large following recall the revised EDL is shown below.

<table>
<thead>
<tr>
<th>To</th>
<th>Legal Services (<a href="mailto:vns@sps.gov.uk">vns@sps.gov.uk</a>)</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td>HDC Administrator</td>
</tr>
<tr>
<td>Establishment</td>
<td>USER_ESTABLISHMENT_NAME</td>
</tr>
<tr>
<td>Date Issued</td>
<td>TODAYS_DATE</td>
</tr>
</tbody>
</table>

Prisoner’s Details

<table>
<thead>
<tr>
<th>Last Name</th>
<th>PRISONER_SURNAME</th>
<th>First Name(s)</th>
<th>PRISONER_FORENAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Birth</td>
<td>DATE_OF_BIRTH</td>
<td>Prisoner No.</td>
<td>PRISONER_NO</td>
</tr>
<tr>
<td>HDC Address</td>
<td>ADDRESS_1 ADDRESS_2 TOWN_CITY COUNTY COUNTRY POSTCODE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of Recall</td>
<td>RECALLED_ON</td>
<td>Return to Custody Date</td>
<td>RETURN_TO_CUSTODY</td>
</tr>
<tr>
<td>Original EDL</td>
<td></td>
<td>New EDL</td>
<td></td>
</tr>
</tbody>
</table>

If the prisoner lodges and appeal against recall Legal Services will be advised once the outcome is known.

Appeal

**Parole Board decision on appeal against recall:**

<table>
<thead>
<tr>
<th>Please tick</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The above prisoner having been successful on appeal is being re-released on HDC with immediate effect</td>
</tr>
<tr>
<td>2. The Appeal against Recall has not been granted. The prisoner will be liberated on the new EDL date shown above.</td>
</tr>
</tbody>
</table>

Legal Services informed of outcome of appeal by: **Insert Name**
I wish to appeal against the revocation of my Home Detention Curfew Licence and recall to custody.

<table>
<thead>
<tr>
<th>Surname</th>
<th>PRISONER_SURNAME</th>
<th>First Name(s)</th>
<th>PRISONER_FORENAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Birth</td>
<td>DATE_OF_BIRTH</td>
<td>Prisoner No.</td>
<td>PRISONER_NO</td>
</tr>
<tr>
<td>Establishment</td>
<td>USER_ESTABLISHMENT_NAME</td>
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</table>

Reason for Appeal:

<table>
<thead>
<tr>
<th>HDC Release Date</th>
<th>Date Recall Notice Issued</th>
<th>Date of Return to Custody</th>
<th>Date Appeal Lodged</th>
</tr>
</thead>
<tbody>
<tr>
<td>HDC_RELEASE_DATE</td>
<td>RECALLED_ON</td>
<td>RETURN_TO_CUSTODY</td>
<td></td>
</tr>
</tbody>
</table>

Signature: ____________________________________________

Date: ____________________________________________

Appeal Against Home Detention Curfew
Recall to Parole Board for Scotland
### Home Detention Curfew

#### SPS Revised Management Decision

<table>
<thead>
<tr>
<th>Last Name</th>
<th>PRISONER_SURNAME</th>
<th>First Name(s)</th>
<th>PRISONER_FORENAME</th>
<th>Prisoner No.</th>
<th>PRISONER_NO</th>
<th>Establishment</th>
<th>USER_ESTABLISHMENT_NAME</th>
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</thead>
<tbody>
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<thead>
<tr>
<th>Sentence</th>
<th>Years</th>
<th>Months</th>
<th>Days</th>
<th>VNS (Y/N)</th>
<th>SUBJECT_TO_VNS</th>
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<tr>
<td>SENTENCE_TERM_YY</td>
<td>SENTENCE_TERM_MTHS</td>
<td>SENTENCE_TERM_DAYS</td>
<td>see GMA 13A/08</td>
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<table>
<thead>
<tr>
<th>HDC Qualification Date</th>
<th>HDC_QUALIFICATION_DATE</th>
<th>EDL</th>
<th>EDL_DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

#### Statutory Exclusions

- Prisoner is required to register as a Sex Offender
- Prisoner has an Extended Sentence
- Prisoner has a Supervised Release Order
- Prisoner has previously been recalled from licence
- Prisoner is subject to a Hospital Direction
- Prisoner is awaiting deportation
- Prisoner is serving a consecutive non-offence term

<table>
<thead>
<tr>
<th>Statutory Exclusions</th>
<th>Yes / No</th>
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</thead>
<tbody>
<tr>
<td>Q1_SO</td>
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<tr>
<td>Q2_ES</td>
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<tr>
<td>Q3_SRO</td>
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<td>Q4_RECALLI</td>
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<tr>
<td>Q6_DEP</td>
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<tr>
<td>Q7_CNO</td>
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</tbody>
</table>

#### SPS Risk Assessment

- Prisoner is High or Medium Supervision

<table>
<thead>
<tr>
<th>SPS Risk Assessment</th>
<th>Yes / No</th>
<th>PSS Review Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SUPERVISION_LEVEL</td>
<td>PSS_REVIEW_DATE</td>
</tr>
</tbody>
</table>

#### Evidence exists that Prisoner:

- Has a history of sexual offending
- Has been convicted of a Schedule 1 offence
- Has a history of domestic violence/abuse
- Has not engaged in Core Screen/CIP
- Has displayed serious adverse behaviour while in prison (e.g. violent/threatening behaviour)

<table>
<thead>
<tr>
<th>Evidence exists that Prisoner:</th>
<th>Yes / No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q9_S1O</td>
<td></td>
</tr>
</tbody>
</table>
Details of index & previous offence(s) and evidence taken into account in Risk Assessment (and the source)
(Include references to documentation or input from non-SPS sources (e.g. Social Enquiry Report)

Revised Management Decision (where a decision has been changed after the initial decision has been made but before the prisoner is released from custody). If this section is not used please score through when prisoner is released.

Reasons for Revised Final Decision
(include reference to victims representations and Community Assessment as necessary)

<table>
<thead>
<tr>
<th>Release on HDC granted</th>
<th>DECISION_DATE_GRANTED</th>
<th>Release on HDC refused</th>
<th>DECISION_DATE_REFUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>HDC Release Date</td>
<td>HDC_RELEASE_DATE</td>
<td>HDC review date (if applicable)</td>
<td>REVIEW_DATE</td>
</tr>
<tr>
<td>Date VNS Notified (if applicable)</td>
<td></td>
<td>Date VNS Notified (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

Release on HDC is subject to the following licence conditions

1. Standard HDC Licence Conditions
| 2. Curfew (e.g. 19:00 to 07:00 hours): ___________________ to ________________  
| 3. Special Curfew (e.g. curfew times changed due to regular domestic commitments):  
| ___________________________________________________________________________  
| 4. Non-standard conditions (if applicable):  
| ___________________________________________________________________________  

| Name: |  
| Signed: |  
| Date: | **TODAYS_DATE** |
The Prisoner/Young Offender named below has intimated an appeal against recall from Home Detention Curfew. The relevant paperwork is attached.

<table>
<thead>
<tr>
<th>Surname</th>
<th>PRISONER_Surname</th>
<th>First Name</th>
<th>PRISONER_FirstName</th>
<th>Date of Birth</th>
<th>DATE_OF_BIRTH</th>
<th>Prisoner No.</th>
<th>PRISONER_No</th>
<th>HDC Release Date</th>
<th>Date Recall Notice Issued</th>
<th>Date of Return to Custody</th>
<th>Date Appeal Lodged</th>
</tr>
</thead>
</table>

Please send information about the outcome of the Appeal to the HDC Administrator at

**USER_ESTABLISHMENT_NAME**
**E_ADDRESS_1**
**E_ADDRESS_2**
**E_TOWN_CITY**
**E_COUNTRY**
**E_POSTCODE**

HDC Manager  
HDC Management Unit
Surnames | PRISONER_SURNAME | First Name | PRISONER_FORENAME
--- | --- | --- | ---
Date of Birth | DATE_OF_BIRTH | Prisoner No. | PRISONER_NO
Date Appeal Received |  | Date sent to Parole Board |  

Please ensure that the Appeal Dossier is complete and in the order listed below and returned to Parole Board within FIVE days of the Appeal being launched and that a copy of this checklist is attached.

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Included</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
</tr>
<tr>
<td>Covering letter to Parole Board, signed and dated</td>
<td></td>
</tr>
<tr>
<td>Prisoner Notification of Appeal against Recall; of copy of the Parole Board Request Letter</td>
<td></td>
</tr>
<tr>
<td>Prisoner Information Request</td>
<td></td>
</tr>
<tr>
<td>Community Assessment Report</td>
<td></td>
</tr>
<tr>
<td>Risk Assessment</td>
<td></td>
</tr>
<tr>
<td>Signed Licence</td>
<td></td>
</tr>
<tr>
<td>Note of Decision to Recall</td>
<td></td>
</tr>
<tr>
<td>Revocation of Licence – Criminal Justice Agencies</td>
<td></td>
</tr>
<tr>
<td>Revocation of Licence – Prisoner</td>
<td></td>
</tr>
<tr>
<td>Electronic Monitoring Service Provider Breach Report</td>
<td></td>
</tr>
<tr>
<td>Victim Representations (if any were received)</td>
<td></td>
</tr>
<tr>
<td>Supplementary information from Electronic Monitoring Service Provider</td>
<td></td>
</tr>
<tr>
<td>Supplementary Information from HDC Manager</td>
<td></td>
</tr>
<tr>
<td>Other e.g. Solicitor’s letter or evidence offered by Prisoner (please specify)</td>
<td></td>
</tr>
</tbody>
</table>

Signature

HDC Administrator
HMP
Date  TODAYS_DATE

October 2018 74
WITHDRAWAL FROM HDC

<table>
<thead>
<tr>
<th>Establishment</th>
<th>USER_ESTABLISHMENT_NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner Name</td>
<td>PRISONER_FORENAME</td>
</tr>
<tr>
<td></td>
<td>PRISONER_SURNAME</td>
</tr>
<tr>
<td>Prisoner Number</td>
<td>PRISONER_NO</td>
</tr>
<tr>
<td>HDC Qualifying Date</td>
<td>HDC_QUALIFICATION_DATE</td>
</tr>
</tbody>
</table>

I wish to withdraw my application dated [date] to be considered for Home Detention Curfew.

Signed ……………………………………………………………………………………………...
You have hereby been authorised for Home Detention Curfew, under the terms of the THE MANAGEMENT OF OFFENDERS ETC (SCOTLAND) ACT 2005 S15.

This grant of early release is subject to the conditions specified below and on the reverse of this licence. Failure to abide by any of these conditions may result in you being recalled to prison.

As your expiry date approaches, you will be contacted to arrange the removal of monitoring equipment on your above specified expiry date.

1. **HDC Conditions**

   - You must comply with all the standard HDC conditions shown on the back of this licence.
   - You must allow the Electronic Monitoring Contractor staff access to you at your above specified HDC address above from 16:00 hours on for the purposes of installing electronic monitoring equipment. Following installation you must not leave this address before on .
   - From you must be present at your above specified HDC address each day between the hours and .
   - <Additional Condition 1>
   - <Additional Condition 2>

**Specific Instructions:**
HOME DETENTION CURFEW SCHEME (HDC) UNDER THE MANAGEMENT OF OFFENDERS ETC (SCOTLAND) ACT 2005 S15

Home Detention Curfew Licence

PRISON: HMP

NAME OF OFFENDER: PRISONER_FORENAME PRISONER_Surname

OFFENDER NUMBER: PRISONER_NO

DATE OF BIRTH: PRISONER_DOB

Specified HDC Address: ADDRESS_1, ADDRESS_2, TOWN_CITY, POSTCODE

Authorised HDC Duration From: HDC_RELEASE_DATE, Expiring on: PRISONER_EDL

You have hereby been authorised for Home Detention Curfew, under the terms of the THE MANAGEMENT OF OFFENDERS ETC (SCOTLAND) ACT 2005 S15.

This grant of early release is subject to the conditions specified below and on the reverse of this licence. Failure to abide by any of these conditions may result in you being recalled to prison.

As your expiry date approaches, you will be contacted to arrange the removal of monitoring equipment on your above specified expiry date.

2. HDC Conditions

• You must comply with all the standard HDC conditions shown on the back of this licence.
• From you must be present at your above specified HDC address each day between the hours of and .
• <Additional Condition 1>
• <Additional Condition 2>

Specific Instructions:
# Home Detention Curfew Checklist

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Number</td>
<td></td>
</tr>
<tr>
<td>DOB</td>
<td></td>
</tr>
<tr>
<td>Prisoner HDC Qualification Date</td>
<td></td>
</tr>
<tr>
<td>Earliest Date of Liberation</td>
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</tr>
<tr>
<td>Outstanding Court Dates Checked</td>
<td>Checked by:</td>
</tr>
<tr>
<td>Ethnicity</td>
<td></td>
</tr>
<tr>
<td>Complexion</td>
<td></td>
</tr>
<tr>
<td>Eye Colour</td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td></td>
</tr>
<tr>
<td>Marks &amp; Scars</td>
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</table>

<table>
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<tr>
<th>Ethnicity</th>
<th>Complexion</th>
<th>Eye Colour</th>
<th>Height</th>
<th>Marks &amp; Scars</th>
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</table>

<table>
<thead>
<tr>
<th>Victim Notification Scheme Checked</th>
<th>Yes</th>
<th>No</th>
<th>Date</th>
<th>Initials &amp; Time</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Admin</th>
<th>Managers Check</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Date Setting up Prisoner for Release</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Date HDC was Authorised</th>
<th>HDC Managers Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Time</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Full HDC Release Address</th>
<th>Post Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Is the release address the same address on PR2?</th>
<th>Yes</th>
<th>No</th>
<th>Date Changed</th>
<th>Name of Person Changing PR2</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>If NOT has the address been updated?</th>
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</tr>
</thead>
<tbody>
<tr>
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<table>
<thead>
<tr>
<th>EDL Final Check</th>
<th>Outstanding Court Dates Final Check</th>
<th>G4s Notified</th>
<th>HDC Licence Completed</th>
<th>Criminal Justice Social Work Notified</th>
<th>Police Scotland/English Police Notified</th>
<th>PR2 Updated</th>
<th>Pre Release Informed</th>
<th>Addictions Services Informed</th>
<th>IMU/Security Informed</th>
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</thead>
<tbody>
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<td>Victim Notification Scheme Final Check</td>
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<tr>
<td><strong>Additional Conditions</strong></td>
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</tbody>
</table>

Manager Sign:   Manager Print:   Date:
The Scottish Ministers make the following Order in exercise of the powers conferred by section 12AA(3) and (5) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(4) and all other powers enabling them to do so.

In accordance with section 3AA(4) as applied by section 12AA(6) of that Act they have had regard to considerations of protecting the public at large, preventing re-offending by the prisoner and securing the successful re-integration of the prisoner into the community.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Home Detention Curfew Licence (Prescribed Standard Conditions) (Scotland) (No. 2) Order 2008 and comes into force on 21st March 2008.

(2) In this Order, “the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993.

Prescribed standard conditions

2. For the purposes of section 12AA(3) of the 1993 Act—

(a) the conditions specified in Part 1 of the Schedule to this Order are prescribed as standard conditions which must be included in any licence granted in respect of a prisoner specified in section 3AA(1)(a) of the 1993 Act; and

(b) the conditions specified in Part 2 of the Schedule to this Order are prescribed as standard conditions which must be included in any licence granted in respect of a prisoner specified in section 3AA(1)(b) of the 1993 Act.

(4) 1993 c.9. Section 3AA was inserted by section 15(5) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) and section 12AA was inserted by section 15(10) of that Act. See section 12AA(4) for the definition of “prescribed”.
Revocation

3. The Home Detention Curfew Licence (Prescribed Standard Conditions) (Scotland) Order 2006(5) is revoked.

MICHAEL MATHIESON
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
18th March 2008

(5) S.S.I. 2006/315.
PART 1

Prescribed standard conditions – prisoners specified in section 3AA(1)(a) of the 1993 Act

1. The offender must be of good behaviour and keep the peace.

2. The offender must not commit any offence.

3. The offender must not tamper with or intentionally damage the electronic monitoring equipment or device(s) used to monitor compliance with curfew conditions complying with section 12AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993, or knowingly allow such equipment or device(s) to be tampered with or intentionally damaged.

4. The offender must allow a representative or employee of [name of electronic monitoring service provider] access to the address specified in this licence for the purposes of section 12AB(1)(a) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to install, check, repair or replace the electronic monitoring equipment or device(s).

PART 2

Prescribed standard conditions – prisoners specified in section 3AA(1)(b) of the 1993 Act

1. The offender must be of good behaviour and keep the peace.

2. The offender must not commit any offence.

3. The offender must not tamper with or intentionally damage the electronic monitoring equipment or device(s) used to monitor compliance with curfew conditions complying with section 12AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993, or knowingly allow such equipment or device(s) to be tampered with or intentionally damaged.

4. The offender must allow a representative or employee of [name of electronic monitoring service provider] access to the address specified in this licence for the purposes of section 12AB(1)(a) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to install, check, repair or replace the electronic monitoring equipment or device(s).

5. The offender must report forthwith to the officer in charge of the office at [name and address of the relevant local authority].

6. The offender must be under the supervision of such officer to be nominated for this purpose from time to time by the Chief Social Work Officer of [name and address of the relevant local authority] (“the supervising officer”).

7. The offender must comply with such requirements as the supervising officer may specify for the purposes of the offender’s supervision.

8. The offender must keep in touch with the supervising officer in accordance with that officer’s instructions.

9. The offender must inform the supervising officer about any change of the offender’s place of residence and provide details to the supervising officer about the offender’s employment (if any).

---

(6) Section 12AB was inserted by section 15(10) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14).
10. The offender must not travel outside the United Kingdom of Great Britain and Northern Ireland without the prior permission of the supervising officer.
EXPLANATORY NOTE
(This note is not part of the Order)

This Order prescribes standard conditions for the purposes of section 12AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”).

Section 3AA(1) of the 1993 Act gives the Scottish Ministers a power to release on licence, commonly known as a home detention curfew licence, certain prisoners before the date on which they would have served half of their sentence. The power applies in respect of (a) short-term prisoners serving a sentence of three months or more; or (b) long-term prisoners whose release on having served one-half of their sentence has been recommended by the Parole Board.

By virtue of section 12AA(1)(a) of the 1993 Act, a licence must include the standard conditions. For short-term prisoners these are prescribed in Part 1 of the Schedule to this Order and for long-term prisoners these are prescribed in Part 2 of that Schedule.

In relation to all prisoners, as well as the standard conditions, the licence must also, by virtue of section 12AA(1)(b) of the 1993 Act, include a curfew condition complying with section 12AB of that Act.
Prisoners and Criminal Proceedings (Scotland) Act 1993

Excerpts relating to HDC (as inserted by the Management of Offenders (Scotland) Act 2005)

3AA Further powers to release prisoners

(1) Subject to subsections (2) to (5) below, the Scottish Ministers may release on licence under this section—
   (a) a short-term prisoner serving a sentence of imprisonment for a term of three months or more; or
   (b) a long-term prisoner whose release on having served one-half of his sentence has been recommended by the Parole Board.

(2) The power in subsection (1) above is not to be exercised before the prisoner has served whichever is the greater of—
   (a) one quarter of his sentence; and
   (b) four weeks of his sentence.

(3) Without prejudice to subsection (2) above, the power in subsection (1) above is to be exercised only during that period of 121 days which ends on the day 14 days before that on which the prisoner will have served one half of his sentence.

(4) In exercising the power conferred by subsection (1) above, the Scottish Ministers must have regard to considerations of—
   (a) protecting the public at large;
   (b) preventing re-offending by the prisoner; and
   (c) securing the successful re-integration of the prisoner into the community.

(5) Subsection (1) above does not apply where—
   (a) the prisoner's sentence was imposed under section 210A of the 1995 Act;
   (b) the prisoner is subject to a supervised release order made under section 209 of that Act;
   (c) the prisoner is subject to a hospital direction imposed under section 59A of that Act or a transfer for treatment direction made under section 136(2) of the Mental Health (Care and Treatment)(Scotland) Act 2003 (asp 13);
   (d) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42);
   (e) the prisoner is liable to removal from the United Kingdom (within the meaning of section 9 of this Act);

(6) The Scottish Ministers may by order do any or all of the following—
   (a) amend the number of months for the time being specified in subsection (1)(a) above;
   (b) amend the number of weeks for the time being specified in subsection (2)(b) above;
   (c) amend a number of days for the time being specified in subsection (3) above;
   (d) amend any paragraph of subsection (5) above, add a further paragraph to that subsection or repeal any of its paragraphs.

12AA Conditions for persons released on licence under section 3AA

(1) Without prejudice to the generality of section 12(1) of this Act, any licence granted under section 3AA of this Act must include—
   (a) the standard conditions; and
(b) a curfew condition complying with section 12AB of this Act.

(2) Subsection (1) above is without prejudice to any power exercisable under section 12 of this Act.

(3) In this section, “the standard conditions” means such conditions as may be prescribed as such for the purposes of this section.

(4) In subsection (3) above, “prescribed” means prescribed by order by the Scottish Ministers.

(5) Different standard conditions may be so prescribed for different classes of prisoner.

(6) Subsection (4) of section 3AA of this Act applies in relation to—
   (a) the exercise of the power of prescription conferred by subsection (3) above; and
   (b) the specification, variation or cancellation of conditions, other than the standard conditions, in a licence granted under section 3AA of this Act,
as it applies in relation to the exercise of the power conferred by subsection (1) of that section.

### 12ABC Curfew condition

(1) For the purposes of this Part, a curfew condition is a condition which—
   (a) requires the released person to remain, for periods for the time being specified in the condition, at a place for the time being so specified; and
   (b) may require him not to be in a place, or class of place, so specified at a time or during a period so specified.

(2) The curfew condition may specify different places, or different periods, for different days but a condition such as is mentioned in paragraph (a) of subsection (1) above may not specify periods which amount to less than nine hours in any one day (excluding for this purpose the first and last days of the period for which the condition is in force).

(3) Section 245C of the 1995 Act (contractual and other arrangements for, and devices which may be used for the purposes of, remote monitoring) applies in relation to the imposition of, and compliance with, a condition specified by virtue of subsection (1) above as that section applies in relation to the making of, and compliance with, a restriction of liberty order.

(4) A curfew condition is to be monitored remotely and the Scottish Ministers must designate in the licence a person who is to be responsible for the remote monitoring and must, as soon as practicable after they do so, send that person a copy of the condition together with such information as they consider requisite to the fulfilment of the responsibility.

(5) Subject to subsection (6) below, the designated person's responsibility—
   (a) commences on that person's receipt of the copy so sent;
   (b) is suspended during any period in which the curfew condition is suspended; and
   (c) ends when the licence is revoked or otherwise ceases to be in force.

(6) The Scottish Ministers may from time to time designate a person who, in place of the person designated under subsection (4) above (or last designated under this subsection), is to be responsible for the remote monitoring; and on the Scottish Ministers amending the licence in respect of the new designation, that subsection and subsection (5) above apply in relation to the person designated under this subsection as they apply in relation to the person replaced.

(7) If a designation under subsection (6) above is made, the Scottish Ministers must, in so far as it is practicable to do so, notify the person replaced accordingly.