

Our Ref: HQ 17217

25 January 2018

Dear

FREEDOM OF INFORMATION REQUEST

Thank you for your recent freedom of information request, which was received on 27 December 2018. This gives a statutory deadline for responding of 25 January 2018 including statutory holidays under the terms of the Freedom of Information (Scotland) Act 2002.

You asked the following, and for ease of reference I have copied your original request for information (RFI) as follows.

1. RFI – How many offenders jailed for serious violence have been released early from their sentences? A breakdown for assault to severe injury, assault to danger of life, attempted murder, manslaughter or murder would be helpful.
2. RFI – How many have served less than one third of their sentence?
3. RFI – How many have served less than half?
4. RFI – how many have re-offended on release?
5. RFI – What was the earliest release and what was the offender's sentence?
6. RFI - What are the criteria for early release?
7. RFI - Who makes the decision - (make up of the Board)?

In response to **RFIs 1 – 7 inclusive**; having completed our search of all electronic and paper records held by the SPS I can confirm no prisoners have been released early from their sentences by the SPS that relate to the context of your questions.

We do endeavour to assist wherever possible and would therefore provide the following information which may be helpful:

In February 2016, the Scottish Government introduced an early release scheme which allows for prisoners to be released up to 2 days before their earliest date of liberation (EDL) but only in exceptional circumstances. To date only 12 such prisoners have been released under this scheme.

Prisoners who have been convicted of serious violence tend to attract a long term sentence or life sentences and order of lifelong restriction (OLR);

Long term offenders: Will be serving a sentence of imprisonment of 4 years or more. The Parole Board will consider an offender's release on a parole licence at the half-way point of their sentence or anytime between then and offender's automatic release date. For all offenders

sentenced prior to 1 February 2016 their date of automatic release will be at the two-thirds stage of their sentence. For certain offenders sentenced on or after 1 February 2016 their date of automatic release will be when they have six months left to serve.

Life sentences and OLR's: When an offender is sentenced to Life imprisonment or to an OLR the Judge sets a minimum period during which the offender must remain in prison. This is known as the "punishment part" of the sentence. Once a Life sentence offender or OLR prisoner has completed the punishment part they can ask to be released on Life licence. The release of such prisoners is at the discretion of the Parole Board at a Life Prisoner Tribunal.

Please also note that when offenders are released from SPS custody for whatever reason, the warrant that held them in custody is removed from our system and therefore we are unable to determine the type of sentence they had been serving. The records then become an archive of previous convictions.

Given your interest is specific to early release which, as explained above, can only be considered by the Parole Board for Scotland, it may be helpful to request the information you seek from them. Below is their contact details;

<http://www.scottishparoleboard.gov.uk/>

Parole Board for Scotland
Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD
Phone: 0131 244 8373
Fax: 0131 244 6974

Also for information published on re-offending rates in Scotland, these can be found on the Scottish Government website. Follow the link below to the specific area on their website;

<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Datasets/ReconvictOffendDatasets>

I trust this information is helpful however, if you are dissatisfied with this response, you have the right to request a review. Your request should be made within 40 working days of the date of receipt of this letter and we will reply within 20 working days of receiving your request. Under section 20(3)(c)(ii) of the Act your request should outline your reason for seeking a review. If our decision is unchanged following a review and you remain unsatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review of our decision to be carried out, please write to Colin McConnell, Chief Executive, Scottish Prison Service, Calton House, Redheughs Rigg, Edinburgh EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

Yours sincerely

Corporate Communications Manager
Scottish Prison Service