

Our Ref: HQ 18053

16 July 2018

Dear

## **FREEDOM OF INFORMATION REQUEST**

Thank you for your recent freedom of information request, which was received on 29 May 2018 and further clarification received on 18 June 2018. This gives a statutory deadline for responding of 16 July 2018 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 – For each of the latest three available financial years, and if possible broken down by licence type granted – (a) the number of offenders released from prison on licence during the year. (b) the number of offenders from part (a) that were subsequently recalled to custody within a year of their release.
2. RFI – For each of the latest three available financial years, and if possible broken down by licence type granted – (a) the number of times an offender was released from prison on licence during the year. (b) the number of times an offender on licence was recalled to custody during the year.

The release of offenders on license is complex due to the different types of licences which are issued. Licences are issued to all long term offender (LTP's), those sentenced to imprisonment of 4 years or more. All short term offender (STP), those sentenced to less than 4 years, who are subject to register as a sex offender or who are subject to a Supervised Release Order or an extended sentence, those who are being re-released after recall and those released from custody on Home Detention Curfew (HDC).

We do endeavour to provide information whenever possible. However, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. In the last three financial years we have released a total of 33,451 individuals, this does not include the numbers who have been released on temporary release or HDC. In order for us to ascertain how many had been released on licence and subsequently recalled to custody, on the original sentence that they were detained, we would have to carry out a manual search of the individuals paper records. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

We are however able to provide the number of those released on HDC as this information is held on our electronic prisoner records system, please see table below. Please note that the note all of those who have breached are recalled to custody. A reason for this would be technical failures with the equipment.

Year	Number of Individuals	Number of HDC Releases	Number of Breaches	Number of Recalls
2017/2018	1434	1452	300	261
2016/2017	1381	1397	241	190
2015/2016	1449	1465	222	184

\*Note, an individual can be released successfully on more than one occasion during the same financial year hence the higher number of HDC releases versus the number of individuals.

We also release those who meet the eligible criteria on a temporary basis. Temporary release covers home leave, unescorted day release, unescorted day release for compassionate reasons, temporary release for work and unescorted day release for health reasons. Annex 2 contains the numbers of temporary licences issued for the past three years. We do endeavour to provide information whenever possible. However, in this instance an exemption under section 38(1)(b) (personal information) of FOISA applies to some of the information requested.

As discussed with Tom Fox if you wish to discuss this response in person we are more than happy to meet.

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.

I trust this information is helpful.

Yours sincerely