

## HM Inspectorate of Prisons for Scotland

### Review of the arrangements for Home Detention Curfew

#### Authority

In accordance with Section 7(2)(d) of the Prisons (Scotland) Act 1989, the Cabinet Secretary for Justice can instruct Her Majesty's Chief Inspector of Prisons for Scotland (HMCIPS) "to investigate specific matters connected with prisons or prisoners which have been referred to the Chief Inspector by the Scottish Minister

In accordance with the relevant Act HMCIPS received a letter from the Cabinet Secretary instructing HMIPS to undertake an:

*"investigation to involve an independent assessment of the processes that the Scottish Prison Service operate when considering applications for Home Detention Curfew to provide assurance for Ministers, the Parliament and the public"*

Additionally, and in terms of section 74(1) of the Police and Fire Reform (Scotland) Act 2012, the Cabinet Secretary wrote in similar terms to HM Inspector of Constabulary in Scotland (HMICS) to provide an independent assessment of Police Scotland's response to a breach of HDC. HMCIPS worked collaboratively with HMICS in preparing the respective terms of reference and will continue to work collaboratively together throughout the dual review process.

#### Terms of reference

Following the recent conviction of Mr James Wright for murder – an offence he committed following his release on Home Detention Curfew (HDC) in February 2017, undertake a review the processes (policy and guidance) that the SPS operate when considering applications for HDC and report on any areas where the SPS should review, alter or improve their approach.

The investigation will involve:

- Identifying and reviewing the processes deployed by the Scottish Prison Service (SPS) to identify those meeting the defined criteria
- Undertaking establishment visits to review historical paperwork to assess compliance with the published policy guidance
- Establishing the hierarchy of responsibilities within the establishment for the approval of individuals deemed appropriate to release on HDC
- Reviewing the governance surrounding the HDC process at local and national level
- Reviewing the arrangements within SPS for notifying Police Scotland when it is intended to release a prisoner on HDC.
- Reviewing the immediate processes where an HDC recall notice is issued by SPS to Police Scotland following a breach; and any on-going co-ordination between SPS and Police Scotland whilst an individual remains 'unlawfully at large'.
- Identify and report on any lessons that have been learnt from this case and that the SPS have applied in the interim

- Make recommendations for changes or improvements, if any shortcomings or inconsistencies exist
- Identify any areas of best practice

Should anything of immediate concern be identified these will be escalated to the SPS' CEO as a matter of urgency

This investigation and review to be presented to the Cabinet Secretary for Justice in September 2018

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