

Home Detention Curfew

A person you may care about is in prison and serving a sentence and you may be unsure of some of the procedures. Families Outside produces information sheets to help you, and if your family member is being considered for Home Detention Curfew (a tag), it may be useful to have some further facts about this.

If you need any more information about anything on this factsheet, you can contact Families Outside Support & Information telephone line, free of charge on 0500 839383, Monday to Friday. They are not part of the Scottish Prison Service and the service is completely confidential.

What is Home Detention Curfew?

From 18 March 2008, the Scottish Prison Service (SPS) can release some prisoners to serve the last part of their sentence at home, or another suitable address, for **up to a maximum period of 6 months** (which applies to sentences of more than 2 years). The person will be on a 'curfew' and not allowed out from the address between certain times. He or she will wear an electronic tag on their ankle which will send a signal to the **Serco** monitoring centre if they leave during their curfew time and they can be sent back to prison if this happens.

The tag is removed on the last day of the prison sentence and if the person has complied with their licence, there will be no need to return to prison.

How does it work?

Electronic monitoring involves fitting a tag around the ankle of an individual and installing a site monitoring unit (SMU) in their home. There must be an electricity supply in the home (at the end of the tagging period you will be reimbursed for the electricity used). **Serco** may install a monitoring unit that is able to use mobile phone technology to communicate with the monitoring centre. However, no other outward or incoming calls will be accepted.

What is a suitable home address?

Before a decision is made by the SPS about whether a prisoner is to be released on HDC, a member of the Criminal Justice Social Work team will contact you in order to assess the address, and the home and community circumstances. They will talk to you about the Home Detention Curfew Scheme and the possible impact of the curfew on those living at the address. **You can raise any questions you have about HDC when they contact you.**

Who is eligible?

The Scottish Prison Service (SPS) must work within the law when it releases prisoners on HDC. They are only allowed to release low risk offenders on the HDC scheme. This

means that SPS will make a full assessment of the circumstances surrounding the offence and – if not the first offence – the history of offences. They will also have to consider whether the prisoner will meet with all the requirements of the scheme. If the assessment decides that the prisoner is at low risk of re-offending and likely to comply, and the home address is suitable, they may be eligible for release on HDC. This will apply to prisoners serving sentences of more than three months. *Long term prisoners (those serving a sentence of more than four years but excluding life sentence prisoners) who have been granted Parole on their first application may now also be considered for release on HDC.*

Prisoners will **not be eligible** if they:

- have been sentenced to less than three months in prison
- are awaiting deportation or direction to hospital
- have been convicted of a sexual offence
- have a conviction which includes an Extended Sentence
- have a conviction which includes a Supervised Release Order
- have previously been released from prison on licence, then recalled.

How can a prisoner apply for release on HDC?

SPS will assess all prisoners automatically. If a prisoner is serving a sentence of more than 3 months (and up to 4 years) and is not excluded on the grounds noted above, an application form will be provided, which should be completed by the prisoner and returned to a member of staff. The Scottish Prison Service will do the rest.

SPS will assess long term prisoners (four years and over) when they begin their application for parole but the HDC application will be held until the outcome of the parole decision is known. If parole is not granted, the HDC application cannot be granted. If parole is granted, and there is sufficient time for the individual to be on HDC for the minimum 14 days, HDC may be granted. This does not apply to those prisoners with a life sentence.

If they meet all the criteria, will a prisoner automatically get HDC?

No. **HDC is not an entitlement** and can only be granted if prisoners meet the criteria and pass a risk assessment, including home circumstances assessment.

What happens if the SPS decision is not favourable?

The prisoner can appeal to the Scottish Prison Service who will review the decision.

How quickly will an appeal be dealt with?

Within 7 working days of a written appeal from the prisoner.

If HDC is approved, how soon will a short term prisoner be released?

The prisoner must serve at least one quarter of their sentence – or 30 days, whichever is greater – in prison. **For example:**

If the sentence is for three months (90 days) in custody, the prisoner would remain in prison for 30 days and spend 15 days on HDC – a total of 45 days. This would bring the prisoner to the half-sentence stage (45 days) when they would normally be released.

If HDC is approved, how soon will a long term prisoner be released?

The prisoner will be released as soon as the necessary arrangements can be made with the local Social Work Team, the Police and the Monitoring Agency, usually 7 days.

If released, what does the person have to do?

Release on HDC is conditional. This means that each person will be issued with a licence detailing the conditions with which they must comply. Standard conditions will apply to all offenders, such as:

- The curfew conditions (the prisoner will be required to remain at the release address between certain times);
- The requirement to be fitted with electronic monitoring equipment and not interfere with its operation; and
- The requirement to be of good behaviour.

For long term prisoners, there will also be conditions such as the requirement to comply with social work supervision which will form part of their parole licence.

These conditions will apply from the date the person is released on HDC until the date they would have been released from prison. If the person does not comply with the conditions, the licence may be withdrawn. If this happens the person may be returned to prison to spend the remainder of their sentence. If the person has complied with their licence, there will be no need to

return to prison. *If a long term prisoner does not meet with their licence conditions, this may also be reported to the Parole Board as an 'adverse development'. The Parole Board may decide to suspend or cancel parole as a result.*

What happens if the person has commitments during curfew times?

Any commitments the prisoner may have (such as childcare, education or work attendance) will be taken into account when the curfew timings are set. It may be possible for the SPS to make reasonable adjustments.

Will allowances be made for special circumstances?

Yes, they can be. All circumstances will be reviewed upon application to SPS.

As a member of the household where the person resides, who do I contact if there is a problem?

If there is a problem with the equipment, **Serco** (24 hour freephone helpline no 0800 288 9890) will be the first point of contact and information is available from them. If you have any anxieties about HDC, contact the prison's **HDC Manager or the Family Contact Officer**. The **Information & Support telephone line (0500 839383)** run by Families Outside is also available to discuss any concerns family or friends may have.

What assistance (including financial) is there for supporting household/family members during HDC?

The person released from prison will be given a discharge grant. If not in employment, he/she will be able to sign on for benefits.

What happens if the household address of the prisoner is in England although currently imprisoned in Scotland?

Cross border transfers arrangements are now in place and it may be possible for a prisoner to be released to a suitable address in England.

What happens when the person reaches their liberation date?

The Scottish Prison Service will arrange for all electronic monitoring equipment to be removed from the person and from the curfew address.

Families Outside Support & Information Line

0500 839383

email:

admin@familiesoutside.org.uk

www.familiesoutside.org.uk

Free confidential helpline for anyone with a relative in custody in Scotland