

SPSO decision report

Case: 201200542, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: home detention curfew
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that the prison failed to fully consider his application for home detention curfew (HDC) before reaching a decision. In considering Mr C's application, the prison explained that he had failed to complete six supervised orders imposed by the court from 2006 to 2008. The prison also acknowledged that although this happened four years ago, there were additional concerns about Mr C's alcohol problems that he had not tried to address during his time in prison. Alcohol was an indicator in Mr C's previous offending history.

HDC guidance is available to help staff consider HDC applications from prisoners. It confirms that, if an individual prisoner's assessment indicates a significant risk of re-offending or of failing to comply with curfew conditions while on HDC, then release should not be authorised. In Mr C's case, although he was eligible for HDC, it was clear that the prison had concerns about his risk level around early release. On this basis, the Scottish Prison Service were entitled to refuse Mr C's application. We were satisfied that Mr C's application was properly considered and we did not uphold his complaint.