

SPSO decision report

Case: 201202227, 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 about the Scottish Prison Service (SPS)'s decision not to release him from prison on the home detention curfew (HDC) scheme (this permits release of a prisoner with certain restrictions and with an electronic tag attached to his person for monitoring purposes). He said they had told him they could not release him on HDC because he was a recall prisoner. This meant that he had been serving a long-term sentence but had been released, with various conditions attached to the release. He had breached at least one of those conditions and had, therefore, been recalled to prison. Mr C complained that this could not be right as other recall prisoners had been released on HDC.

We advised Mr C that the circumstances of his recall meant that he was statutorily excluded from consideration for HDC and that the SPS had no discretion in this. If other recall prisoners had been released on HDC, that would be because they did not fall under any of the statutory exclusions as he did.