

# The Parole Board for Scotland

**Annual Report 2005**

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for Scotland  
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## **Annual Report 2005**

Presented to Parliament under Schedule 1, paragraph 5 of the Prisons (Scotland) Act 1989 and Schedule 2, paragraph 6 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.

Laid before the Scottish Parliament by the Scottish Ministers.

June 2006

SE/2006/78

Edinburgh: The Stationery Office  
£9.60

ISBN 0 10 888184 9

## Foreword

In presenting this Report I would firstly wish to express my pleasure at having been appointed as Chairman of the Board. I consider it an honour to have been given the opportunity to lead this important work in the interests of the safety of Scotland's communities. This is an onerous responsibility, but I have quickly been reassured by the support I have been given in my early weeks by experienced Board Members. I am hugely impressed by the knowledge, expertise and diligence of the Members and by the large time commitment they make to the considerations of the Board. Similarly the experience and skill of the Secretary and staff make the work of Members flow very smoothly despite the very considerable volume of business which has to be dealt with.



This report is, however, tinged with sadness for the Board because of the death of John Durno OBE during its preparation. John was a valued colleague to Board Members because of his great depth of knowledge of the Criminal Justice System and importantly his understanding of offending behaviour drawn from his many years working within the Scottish Prison Service. I did not have the opportunity to work with John on the Board, but had the good fortune to work with him in the past, and I can therefore well understand why his death is such a loss to the Board.

I also want to pay tribute to my predecessor Professor James McManus under whose Chairmanship the work reported on here took place. He was highly committed to the work of the Board and brought great knowledge and understanding of offending to its considerations. He hands over a Board which is operating to its targets and which has a culture of examining how it can constantly improve its performance.

In the last Report the Chairman noted particularly the high level of prisoners recalled to custody. That must continue to be a concern with regard to this year's figures. This is a matter which along with other Members of the Board I wish to give consideration to in more detail. It was not possible to convene a Review of Decisions Working Group during 2005 because of the number of new Members and the increased volume of meetings. The Review Group is, however, reconstituted in 2006 and will undertake a close scrutiny of decisions. The year ahead will see significant changes in the Criminal Justice System which will impact on the work of the Board. Not least amongst these will be the implementation of changes arising from the recommendations of the Sentencing Commission. The new Community Justice Authorities will take up their responsibilities and establishing effective working relationships between them and the Board will be a priority for me. Similarly the Risk Management Authority is a body with which the Board will have a significant working relationship and I look forward to developing that.

The volume of business which the Board deals with continues to expand as is demonstrated in this Report. The Board must therefore ensure that it is using all

modern methods to enable it to continue to meet its targets and to ensure the effectiveness of its decision making in ensuring public safety. The implications of new legislation may well have an effect on this. It will be vital that the Board is able to maintain its current standards as exemplified in this report whilst constantly examining how performance can be improved through lessons learned from experience of the outcomes of decisions.

I have pleasure in presenting this my first annual report.

A handwritten signature in black ink, appearing to read 'Sandy Cameron'.

**Sandy Cameron**  
Chairman

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<sup>1</sup> Includes those detained without limit of time or at Her Majesty's pleasure only until 1997.

## Membership of the Parole Board for Scotland 2005

Professor James J McManus	Chairman, Professor of Criminal Justice, Glasgow Caledonian University
Sheriff Rita Rae QC	Vice Chairman Sheriff, Glasgow
Ms Lyndy Boyd	Solicitor
Mr Niall Campbell	Chairman, SACRO
Dr John P Donnelly	Consultant Forensic Clinical Psychologist
Mr John Durno, OBE	Former Director of Custody, Scottish Prison Service
Mrs Johan Findlay	Justice of the Peace
Mrs Corinne France	Former Senior Manager, Social Services Children and Families
Dr Geraldine Gallagher	Tutor, Social Work Research Centre, Stirling University
Mrs Anne Keenan	Solicitor
Ms Irene Kitson	Justice of the Peace
Mr Howard Llewellyn	Barrister
Dr John Loudon OBE	Former Consultant Psychiatrist
Sheriff Principal John J Maguire QC	Former Sheriff Principal, Tayside, Central and Fife
Sheriff Principal John McInnes QC	Former Sheriff Principal, South Strathclyde, Dumfries and Galloway
Mrs Eleanor McLaughlin	Former Lord Provost, Edinburgh
Mrs Kathleen McQuillan	Solicitor
The Hon Lady Paton	Senator of College of Justice
Sheriff Fiona Reith QC	Sheriff, Glasgow
Dr Bruce Ritson	Former Consultant Psychiatrist
Sheriff Richard Scott	Former Sheriff, Edinburgh
Sheriff James Spy	Sheriff, Paisley
Mrs Frances Stuart	Former Social Work Director
Mr Douglas Thomson	Solicitor Advocate
Mrs Christine Vine	Solicitor
Hugh P Boyle	Secretary



## Chapter 1 – The Year's Work

The tables below provide statistical details of the various cases considered by the Board during 2005.

### Determinate Sentence Prisoners

Total number of cases eligible for consideration	813
Number not wishing to be considered	49
Number referred to the Board for consideration	764*
Number recommended for parole by the Board	363
Number not recommended by the Board	395
Number of cases waiting further information	6

\*Includes 75 prisoners who had been awarded extended sentences.

### Life Prisoners

Number referred to the Board for consideration	173
Number brought forward from 2004	35
Total cases to be considered	208
Number where release directed	38
Number not recommended for release	136
Number of cases postponed or adjourned	12
Number not yet referred to Tribunals	22

<b>Non Parole Licences</b>	<b>76</b>
<b>Extended Sentence Cases</b>	<b>33</b>
<b>Children and Young Persons</b>	<b>23</b>

## Determinate Sentence Prisoners

The Board has powers to make binding recommendations with regard to the release of determinate sentence prisoners serving 4 years or more once they have served one half of their sentence and it may also make recommendations as to the licence conditions of such prisoners.

During the course of the year there was a total of 813 cases eligible for consideration of early release. Of these, 764 cases were referred to meetings of the Board for consideration. This compares with 703 cases referred to the Board in 2004, an increase of 61 cases. Each prisoner was afforded an interview with a member of the Board.

The Board recommended that 363 prisoners or 47.5% of those referred during 2005 be released on parole. This compares with 311 or 44.2% recommended by the Board in 2004.

In addition the Board had to give further consideration to 69 cases where the prisoner had been granted parole, but a report of an adverse development was referred to the Board before the prisoner's release date. Of these 69 cases, 47 had their parole release date withdrawn, 11 had their release date delayed and in 11 cases the Board agreed that the release date should stand.

Forty-nine of the cases recommended for release during 2005 were being considered for a second or subsequent review.

### Summary of Determinate Sentence Cases Where Release Recommended - by Offence

	Violence	Drugs	Sexual	Property	Other	Total
<b>10 years or over</b>	12	10	3	-	1	<b>26</b>
<b>Under 10 Years</b>	170	131	12	7	17	<b>337</b>
<b>Total</b>	182	141	15	7	18	<b>363</b>

Category of Offence	Offences Include
<b>Violence</b>	Culpable Homicide, Attempted Murder, Assault to Severe Injury etc., Assault and Robbery.
<b>Drugs</b>	Contravention of the Misuse of Drugs Act and Customs and Excise Management Act.
<b>Sexual</b>	Rape, Attempted Rape, Sodomy, Incest, Clandestine Injury, Lewd and Libidinous Practices.
<b>Property</b>	Theft, Conspiracy to Rob, Embezzlement.
<b>Other</b>	Road Traffic Act, Fire-raising.

Sixty-seven of the 395 cases considered by the Board but not recommended for parole were recommended for a further review in less than the 12 month period that normally elapses between reviews.

As can be seen from the following table, the proportion of persons eligible for consideration for parole who opt out of the process has decreased in the last year.

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Eligible</b>	633	674	687	680	719	690	749	766	770	813
<b>Opting out</b>	75	76	70	46	63	43	58	60	67	49
<b>%</b>	11.8	11.3	10.2	6.8	8.8	6.2	7.7	7.8	8.7	6.0

### Non Parole Licences

#### **The Board advises the Scottish Ministers on the conditions to be attached to prisoners' release licences.**

Those prisoners sentenced to 4 years imprisonment or more on or after 1 October 1993 are released on licence when they have served two thirds of their sentence. These licences expire at the sentence end date and the term non-parole licence is used to describe this non-discretionary period of supervision in the community.

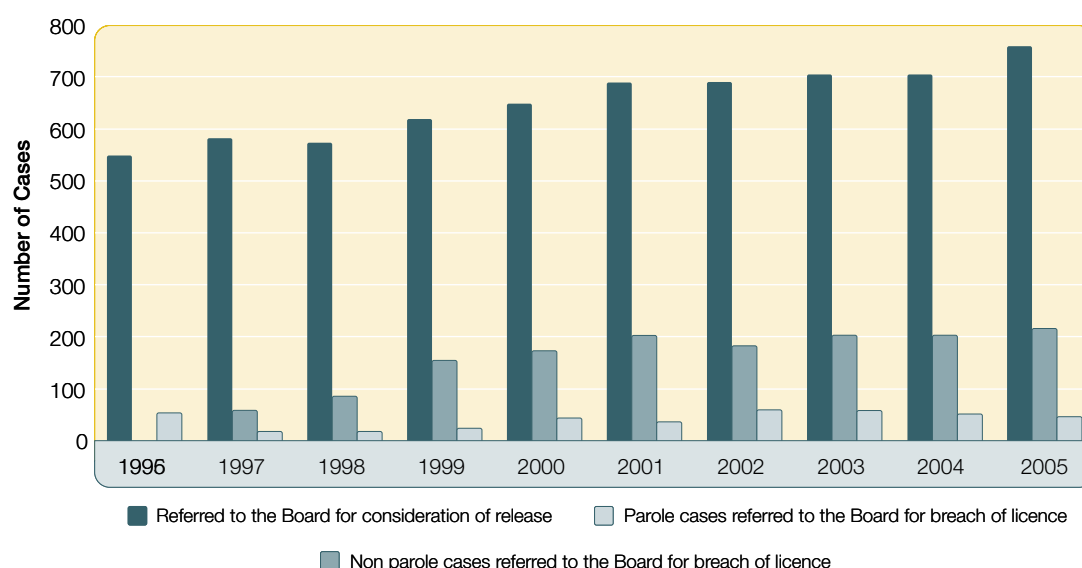
During 2005 the Board recommended that conditions be attached to the non-parole licences of 261 prisoners who were not released on parole. A further 76 cases were returned to the Board specifically in order that the members might consider whether or not non-standard conditions or further conditions should be attached to the offenders' non-parole licences. In 72 of these cases the Board recommended that non-standard or further conditions be attached to the offenders' release licences.

### Extended Sentences

#### **Scottish Ministers consult the Parole Board about the conditions that are to be attached to the release licences of extended sentence prisoners where the combined custodial term and the extension period is 4 years or more.**

During 2005 Scottish Ministers referred to the Board 33 cases where the courts had imposed extended sentences where the combined custodial term and the extension period totalled 4 years or more in order that the Board could consider which conditions should be attached to the prisoners' release licences. In 32 of these cases the Board recommended that additional "non-standard" conditions be attached to the offenders' licences. In one case the Board did not recommend the attachment of any "non-standard" conditions and, at the end of the year, one case had been deferred to await sight of additional information.

## Determinate Sentences 1996-2005



## Life Prisoners

**The Board has the powers to direct the Scottish Ministers to release on licence life prisoners in circumstances where a Tribunal of the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.**

A Tribunal consists of 3 members of the Parole Board for Scotland, appointed by the Chairman of the Board. The individual who is appointed to act as Chairman of the Tribunal must be either:

A person who holds or has held judicial office; or

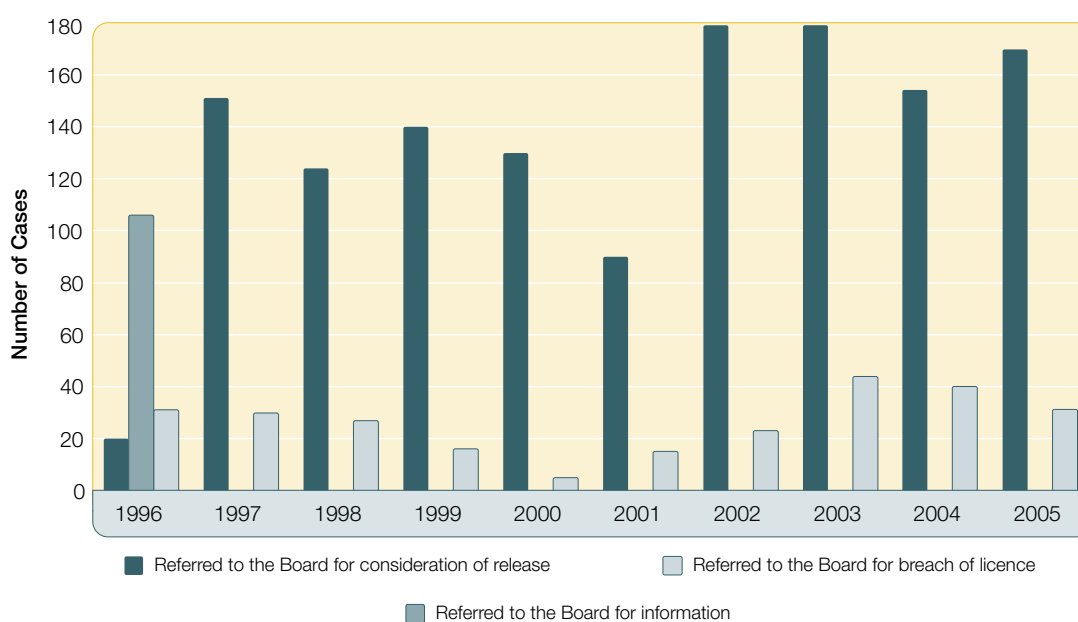
A solicitor or advocate of not less than 10 years standing.

During 2005 the Scottish Ministers referred to the Board the cases of 173 life prisoners in order that Tribunals could determine whether or not the individuals concerned should be released on life licence. In addition, the Board was also required to conclude the consideration of 9 cases that had been postponed or adjourned during 2004 and 26 other cases that had been carried over from 2004.

Consideration of 174 cases was concluded in 2005. In 38 cases, the Tribunals directed Scottish Ministers to release the prisoner. In 136 cases, the Tribunals did not direct release, but recommended a further review take place. Twelve cases were adjourned or postponed and in 22 cases Tribunals will be convened early in 2006.

The foregoing figures do not include life licensees who had been recalled to custody and whose cases for immediate re-release were considered by Tribunals of the Board during 2005. These cases are reported at page 16.

## Life Prisoner Cases 1996-2005

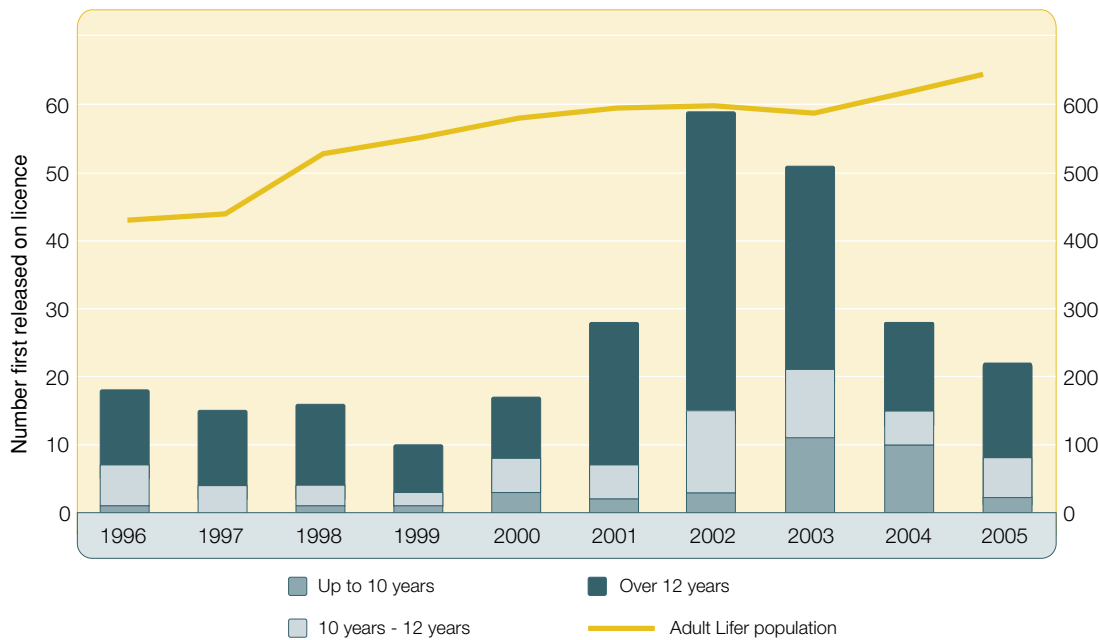


The following table shows the number of Tribunals convened to consider the cases of life prisoners since 1996 and the outcome of these Tribunals.

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Cases Referred</b>	10	9	38	40	40	44	179	179	154	173
<b>Cases Carried Over</b>	None	None	None	None	None	3	2	33	38	35
<b>Total Cases</b>	10	9	38	40	40	47	181	212	192	208
<b>Release Directed</b>	3	1	6	12	10	9	53	55	33	38
<b>Retain Release Date</b>	None	None	None	None	None	None	2	1	None	None
<b>Revised Release Date Awarded</b>	None	None	None	None	None	None	2	None	None	None
<b>Release Date Withdrawn</b>	None	None	None	None	None	1	2	1	None	None
<b>Further Review</b>	7	8	32	28	27	35	89	117	124	136
<b>Postponed or Adjourned</b>	None	None	None	None	3	2	9	6	9	12
<b>Cases yet to be Considered</b>	None	None	None	None	None	None	24	32	26	22

Details of the period of years served by life prisoners prior to their first being released on life licence are given at Appendix C together with the corresponding information for preceding years. From the Table at Appendix C, it can be seen that the majority of those first released on licence during 2005 had spent more than 12 years in custody.

## Distribution of Time Spent in Prison by Prisoners first released on Life Licence



## Children and Young Persons

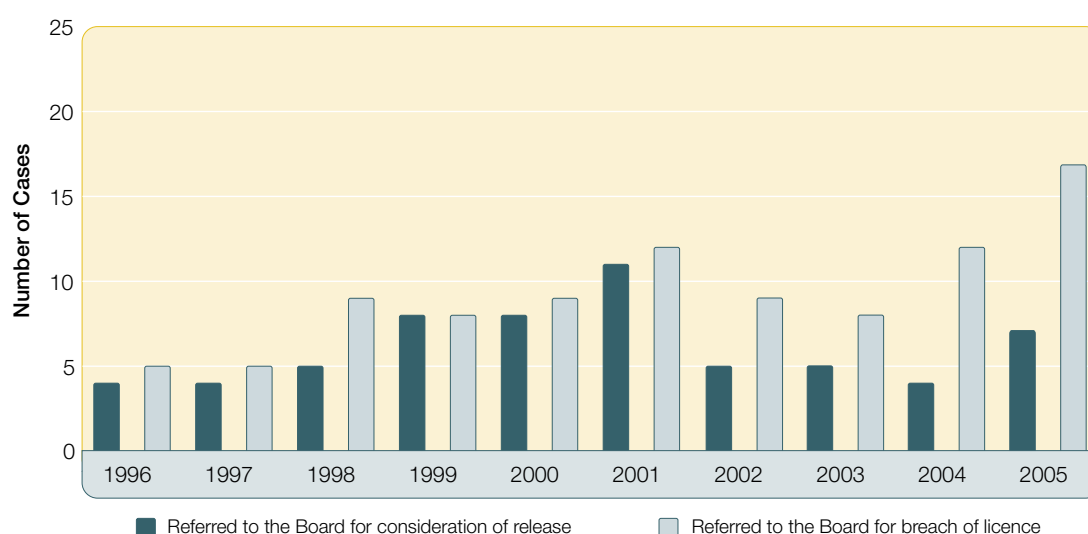
**The Board has responsibility for considering the case for early release of young people sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 referred to it by Scottish Ministers.**

In 2005 the cases of 23 children and young persons sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 were referred to the Board. Seven of these cases were referred in order that the Board might consider whether or not it was appropriate that the individuals be released on licence. In three cases the Board did recommend early release. In four cases it did not recommend early release.

The remaining 16 cases involved children and young persons who were due to be released on licence and whose cases were referred in order that the Board might consider recommending that conditions be attached to their release licences. In all 16 cases the Board recommended that conditions be attached to the licences.

A further 17 cases were reported to the Board where children and young persons sentenced under section 208 of the Act and released under section 7 of the 1993 Act had breached the conditions of their licence. The Board recommended that 9 be recalled to custody, in 5 cases warning letters were issued and in three cases no action was deemed to be necessary. In addition the Scottish Ministers revoked the licences of two individuals. Therefore a total of 11 children and young persons were recalled to custody. Of the 11 recalled, 10 were not subsequently re-released and by the end of the year the other case had not been referred to the Board in order that the members could consider whether or not it was appropriate to order immediate re-release.

## Children and Young Persons 1996-2005



### Possible Grounds for Recall

The Board has the powers to recommend the recall to custody of determinate sentence prisoners serving sentences of 4 years imprisonment or more, extended sentence prisoners and life sentence prisoners who have been released on parole, non-parole licence or life licence in circumstances where such action is considered necessary in the public interest. The Scottish Ministers are statutorily obliged to accept the Board's recommendation. The Board may direct Scottish Ministers to re-release any prisoner who has been recalled to custody.

### Parole Licensees

As reported in 2004, at the end of the year the Board had yet to conclude consideration of the cases of 10 individuals who had been recalled to custody following their release on parole. In addition to these 10 cases there were a further two cases where Scottish Ministers had during 2004 revoked the licences of offenders. Consideration of these cases was concluded in 2005 and two were re-released and 10 were not re-released.

During 2005 a number of parolees was reported to the Board for behaviour potentially constituting grounds for recall. The Board was obliged to give further consideration to these cases and determine whether to recommend that the individuals be recalled to custody, a warning letter sent or the matter dealt with in another way. There were 42 individual cases reported of parolees who had been released under section 22 (1) of the Prisons (Scotland) Act 1989 and section 1 (3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993. See Appendix B Table 1.

Warning letters were issued to 5 licensees. Six licensees were recalled to custody and subsequently re-released on licence. Seventeen licensees were recalled to custody and not re-released. In addition the Scottish Ministers revoked the licences of 7 individuals and none were subsequently re-released. Eleven further

licensees were recalled to custody and have yet to submit representations against recall to Scottish Ministers. The Board has, therefore, not yet concluded consideration of their cases. Of the remaining 3 cases, no further action was deemed to be necessary.

Further analysis of the cases of the 24 licensees recalled during 2005 and not subsequently re-released showed the following:

Reason for Recall						
Index Offence	Charges Involving Violence	Facing Charges of a Sexual Nature	Facing MDA Charges	Failure to Comply With Supervision	Property	Other Charges, Including RTA and Carrying of Knives
Violence	7	-	-	3	5	3
Drugs	-	-	2	-	-	-
Sexual	-	1	1	-	-	-
Property	-	-	-	-	1	-
Other	-	-	-	-	-	1
<b>Total</b>	7	1	3	3	6	4

### Non Parole Licensees

As reported in 2004, at the end of that year the Board had still to conclude consideration of the cases of 45 licensees where their representations or further information was awaited. Consideration of 44 of these cases was resumed in 2005. Nine were re-released on licence and 35 were not re-released.

During 2005 the Board was asked to consider the cases of 211 individuals who were the subject of non-parole licences (i.e. those released on having served two-thirds of their sentence and those who were released on parole, but the discretionary period had expired) whose behaviour in the community was giving rise to concern. The Board recommended that 148 of these licensees be recalled to custody. In addition Scottish Ministers revoked the licences of 25 individuals. Therefore a total of 173 licensees were returned to custody. Of those who were recalled, 24 were subsequently re-released, 96 were not re-released and at the end of the year 53 cases had yet to be referred back to the Board in order that the members may consider whether or not it is appropriate to direct immediate re-release on licence. Warning letters were issued to 32 licensees and no action was taken in 31 cases.

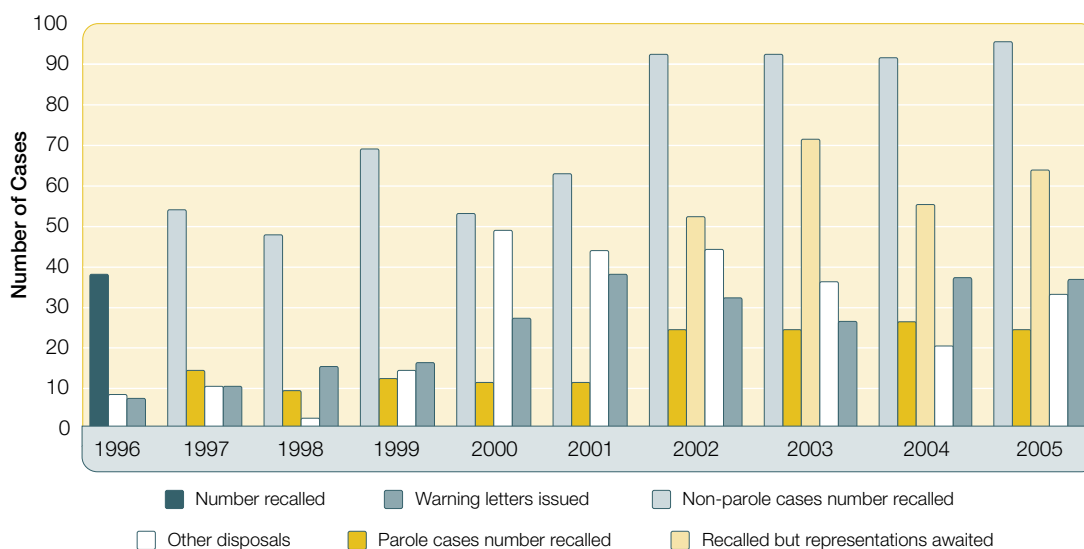
Further examination of the cases of the 96 licensees recalled to custody and not subsequently re-released showed the following:



Reasons for Recall to Custody						
Index Offence	Charges Involving Violence	Facing Charges of a Sexual Nature	Facing MDA Charges	Failure to Comply With Supervision	Charges Involving Theft, Conspiracy to Rob etc.	Other Charges, including RTA and Carrying of Knives etc
Violence	25	-	7	15	9	12
Sexual	-	1	-	4	1	-
Drugs	2	-	10	3	-	3
Property	1	-	-	1	-	1
Other	1	-	-	-	-	-
<b>Total</b>	<b>29</b>	<b>1</b>	<b>17</b>	<b>23</b>	<b>10</b>	<b>16</b>

It was also noted that 32 of the above offenders had initially been released on parole licence and 2 had previously been recalled to custody, but were re-released on licence.

### Grounds for Recall – Determinate Sentences Outcome of Cases Referred 1996-2005



### Extended Sentences

Scottish Ministers refer to the Board all cases involving grounds for recall of extended sentence prisoners. In the event of an extended sentence prisoner being recalled to custody, the case for re-release must be considered by a Tribunal of the Board. The Tribunal, if not recommending immediate re-release, must be satisfied that it is necessary to hold the offender in custody in order to protect the public from serious harm.

During 2005 the Board was required to conclude its consideration of the cases of two individuals who had been sentenced to extended sentences and who had

been recalled to custody during 2004. Both cases were considered by Tribunals in 2005 and in each case the Board did not direct the prisoner's immediate re-release.

During 2005 Scottish Ministers referred to the Board 32 cases where the behaviour of the licensee was giving cause for concern. The Board recommended that 23 licensees be recalled to custody, in 8 cases the Board recommended that warning letters be sent to the licensees and in one case no action was deemed to be necessary. In addition the Scottish Ministers revoked the licences of 12 individuals.

Of the 35 licensees recalled to custody, 30 had their cases for immediate re-release considered by Tribunals of the Board during 2005. The Board directed that two be immediately re-released and 28 were not re-released.

Of the remaining five cases, two had received further sentences and three had not been referred to the Board for consideration of re-release.

During 2005 the Scottish Ministers referred to the Board the cases of 14 extended sentence prisoners who had been recalled to custody and who had not subsequently been re-released by Tribunals of the Board in order that their cases could be further reviewed. In one case the prisoner was released on licence, in 12 cases the offenders were not released on licence and one Tribunal was adjourned.

## **Life Licensees**

Scottish Ministers refer to the Board all cases involving grounds for recall of life licensees. In the event of a life licensee being recalled to custody, the case for re-release must be considered by a Tribunal of the Board. The Tribunal, if not recommending immediate re-release, must be satisfied that it is necessary for the protection of the public that the offender is held in custody.

During 2005 the Board considered the cases of 32 persons previously released on life licence who had allegedly breached the conditions of their licence or whose behaviour in the community was giving cause for concern.

The Board recommended that 15 licensees be recalled to custody and two of these individuals were subsequently re-released and 7 were not re-released. Three of those who were recalled will have their case for re-release considered by Tribunals of the Board during 2006. Two of the remaining individuals had not had their case for consideration of re-release referred to the Board by the end of the year and the other received a further long term prison sentence. In addition, the Scottish Ministers referred to the Board the cases of 4 life prisoners where they had revoked the licences. Two of them were not re-released, one was re-released and consideration of the remaining case should be concluded in 2006.

Of the remaining 17 cases referred to the Board as possible grounds for recall, warning letters were issued to 12 licensees and in 5 cases it was agreed that no action was necessary.

In addition the Board was required to convene Tribunals to consider the cases of 7 life prisoners who had been recalled to custody in previous years. In all 7 cases the Tribunals of the Board did not direct re-release on life licence.

## Chapter 2 - Board Membership Meetings and Visits

### Board Meetings

2005 was the 38th year of the operation of the parole system in Scotland. During the year the Board met on 48 occasions to consider the cases of prisoners and licensees referred by the Scottish Ministers. The Board also convened 193 Life Prisoner Tribunals and 45 Extended Sentence Tribunals during the year. In addition the Board held two General Purposes Meetings and an Annual Conference.

### Board Membership

The membership of the Board during 2005 is shown at page 6. During the course of the year Anne Keenan was appointed to the Board. At the end of the year Professor James McManus, Sheriff Principal John Maguire, Dr John Donnelly and Mrs Johan Findlay left the Board. They had all made a sterling contribution to the work of the Board and the members of the Board thank them for all the work that they carried out on behalf of the Board. While the Board's Annual Report was in the course of preparation we were advised of the death of John Durno. The members of the Board and the staff of the Board's Secretariat held John in high regard. He was a hard working member of the Board, who had a marvellous sense of humour. He will be sadly missed and fondly remembered by us all.

### Visitors

The Board welcomed a number of visitors to its casework meetings throughout the year including prison officers; prison and community based social workers; officials of the Scottish Executive Justice Department; and a Senator of the College of Justice.

### General Purposes Meetings

The Board held two General Purposes Meetings during the year. At these meetings the members of the Board discussed or were brought up to date on matters such as the role of the Risk Management Authority; the revised drug testing procedures that the Scottish Prison Service proposes to introduce; the outcome of the Management Review of the Board; the findings of the House of Lords' judgement in the Smith and West cases and the impact that the judgement may have for the work of the Board in Scotland; the Board's performance against its agreed targets; and the Board's expenditure. In addition, a number of representatives of the Sentencing Commission attended a General Purposes Meeting in order to canvass the views of the Board members on the current system of early release of prisoners and possible changes to the system.

### Parole Board Conference

The Board held its thirteenth annual conference on Friday 2nd and Saturday 3rd December 2005 at Kinross. The Conference provides the members with the opportunity to gather together to discuss in depth matters relating to the work of the Board. The Chairman, Sir Duncan Nichol, and Chief Executive, Christine Glenn, gave a very interesting presentation on the challenges currently facing the Parole Board for England and Wales. Joe Duffy of People Experiencing Trauma



and Loss (PETAL) gave an interesting talk on the Victims' Perspective. Tony Simpson and Steve Murphy of the Scottish Prison Service gave an interesting presentation on Intelligence Information. Lucy Hunter of the Scottish Executive Justice Department addressed the members on the Management of Offenders (Scotland) Act. Dr Jonathon Chick Consultant Psychiatrist at the Royal Edinburgh Hospital and Dr Andrew Fraser, of the Scottish Prison Service's Rehabilitation and Care Directorate gave an interesting presentation on Addressing Alcohol Abuse. Professor Jason Ditton of the Faculty of Law at Sheffield University gave a talk on the Myth of the Fear of Crime. Robert Carr, the Chairman of Anderson Strathern the Board's legal advisers, gave an extremely interesting presentation on judicial reviews. The newly appointed Chairman of the Board, Professor Sandy Cameron gave an interesting talk entitled A Forward Look in which he highlighted a number of the challenges that would face the Board in the future.

### **Parole Board Website**

The Board's website is at <http://www.scottishparoleboard.gov.uk>. The website contains information about the members of the Board, the Board's statutory powers and functions as well as providing responses to some frequently asked questions about parole. In addition the Board's Annual Report for 2005 and earlier years can be viewed on the website.

## Chapter 3 – Efficiency

In its Corporate Plan for 2002 the Board set specific performance measures and objectives designed to monitor the Board's effectiveness in dealing with cases referred to it by the then Secretary of State and now Scottish Ministers. These were:

### Determinate Sentence Prisoners

**The Board will endeavour to ensure that no less than 85% of interviews are conducted within 5 weeks of a determinate sentence prisoner's case being referred to the Board. The Board met this target in 87% of cases.**

Prisoners interviewed in 2005	752
Target met or exceeded	653 (86.8%)

**The Board will endeavour to ensure that 85% of determinate sentence prisoners have their case considered at a meeting of the Board within 9 weeks of the case being referred to the Board by the Scottish Executive Justice Department. The Board met this target in 85% of cases.**

Cases to meetings in 2005	764
Target met or exceeded	652 (85.3%)

### Life Prisoners

- (1) Unless the prisoner, his legal agent or Scottish Ministers request a postponement, the first review of a life prisoner's case will be heard by a Tribunal within 3 days of the expiry of the punishment part set by the judiciary. The Board met this target in all but 7 cases.**
- (2) Unless the prisoner, his legal agent or Scottish Ministers request a postponement, all second or subsequent reviews of a life prisoner's case will be heard by a Tribunal within 8 weeks of the case being referred to the Board. The Board met this target in all but 4 cases.**
- (3) That the Tribunal will issue its decision letter within 14 days of the end of the Tribunal hearing. The Board met this target in all cases.**

### Cost Effectiveness

The Board recognises the need to have due regard to economy and cost effectiveness in carrying out its functions. Examination of the costs incurred by the Board during 2005 reveal that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2005 for life prisoners and extended sentence prisoners is £871, the average cost of considering a case at a meeting of the Board is £157 and the average cost of conducting an interview is £117.

The Board wishes to thank the many individuals and agencies who continue to support the parole scheme for all their help and encouragement. The Board also

wishes to thank the officials and staff of the Scottish Executive Justice Department and the Scottish Prison Service for their help throughout the year. In addition, the Board wishes to record its appreciation to its Secretariat for its continuing support and service throughout the year.

Hugh P Boyle  
Secretary  
Parole Board for Scotland  
Saughton House  
Edinburgh  
April 2006

### **Members of the Board**

Alexander Cameron  
Rita Rae  
Lyndy Boyd  
Niall Campbell  
Anne Carpenter  
Corinne France  
Jeane Freeman  
Geraldine Gallagher

Anne Keenan  
Irene Kitson  
Howard Llewellyn  
John Loudon  
John McInnes  
Eleanor McLaughlin  
Katie McQuillan  
Lady Paton

Fiona Reith  
Bruce Ritson  
Richard Scott  
James Spy  
Frances Stuart  
Douglas Thomson  
Christine Vine

Survey of Annual Caseloads During the Period 1. 1. 96 to 31. 12. 05

Table 1 Fixed Term Sentences

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>a. Total cases processed by the Department</b>	633	674	687	680	719	690	749	766	770	813
Prisoners not wishing to be considered	75	76	70	46	63	43	58	60	67	49
Parole cases not referred to the Board	21	14	39	14	-	-	-	-	-	-
<b>b. Total cases referred to the Parole Board</b>	537	584	578	620	656	647	691	706	703	764
<b>c. Total cases not recommended by the Parole Board</b>	329	384	310	304	279	301	272	354	380	395
Cases not recommended by the Parole Board	279	328	262	253	240	261	240	301	322	328
Cases not recommended but early review requested	50	56	48	51	39	40	32	53	58	67
<b>d. Total cases recommended for parole by the Parole Board</b>	196	209	262	311	374	340	417	345	311	363
<b>e. Total cases where further information awaited</b>	12	3	6	5	3	6	2	7	12	6



Table 2 Life Prisoners

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Cases Carried Forward</b>	-	-	-	-	-	-	2	33	38	35
<b>Cases referred to the Parole Board</b>	125	151	123	140	131	93	179	179	154	173
<b>Total of cases to be considered</b>	125	151	123	140	131	93	181	212	192	208
<b>Cases where release recommended/ directed</b>	20	29	29	26	46	39	53	55	33	38
<b>Cases where release not recommended</b>	105	122	94	114	83	51	89	117	124	136
<b>Release date retained</b>	-	-	-	-	-	1	2	1	-	-
<b>Revised release date awarded</b>	-	-	-	-	-	-	2	-	-	-
<b>Release date withdrawn</b>	-	-	-	-	-	1	2	1	-	-
<b>Cases postponed or adjourned</b>	-	-	-	-	-	-	9	6	9	12
<b>Cases awaiting sitting of Tribunal</b>	-	-	-	-	2	-	24	32	26	22

Table 3 Children and Young Persons

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Cases referred to the Parole Board for Consideration of release</b>	4	5	5	8	4	5	5	10	5	7
Cases not recommended	4	4	1	4	2	2	-	2	1	3
Cases not recommended but early review requested or further information awaited	-	-	2	1	1	1	1	-	1	1
Case deferred	-	-	-	-	-	-	-	1	-	-
Cases recommended for release	-	1	2	3	1	2	4	2	3	3
<b>Cases referred to the Board for information</b>	-	-	-	-	4	6	8	5	21	16



## Appendix B

### Determinate Sentence Cases Possible Grounds for Recall Reported to the Parole Board Annually During the Period 1. 1.98 to 31. 12. 2005

**Table 1: Persons released on parole before the two-thirds stage of sentence**

Year	Total Cases Referred	Recalled and Re-released	Recalled and not Re-released	Recalled and Representations Awaited	Warning Letters Issued	Other Disposals
1998	20	4	7	2	6	1
1999	26	2	12	8	4	-
2000	44	10	12	13	3	6
2001	38	6	11	8	9	4
2002	60	8	24	17	7	4
2003	59	9	24	12	9	5
2004	50	4	26	10	6	4
2005	49*	6	24	11	5	3

\* Includes 7 licensees recalled by Scottish Ministers.

**Table 2: Persons who were not released on parole or who were released on parole, but the discretionary period had expired (known as non-parole licence)**

Year	Total Cases Referred	Recalled and Re-released	Recalled and not Re-released	Recalled and Representations Awaited	Warning Letters Issued	Other Disposals
1998	96	13	47	23	9	4
1999	156	24	69	47	12	4
2000	168	24	53	47	24	20
2001	204	15	63	71	29	26
2002	191	18	92	35	25	21
2003	206	8	91	59	17	31
2004	201	18	91	45	31	16
2005	236*	24	96	53	32	31

\* Includes 25 licensees recalled by Scottish Ministers.

### Life Sentence Cases Possible Grounds for Recall Reported to the Parole Board Annually During the Period 1. 1.96 to 31. 12. 2005

**Table 3: Life Sentence Cases**

Year	Total Cases Referred	Number Recalled	Warning Letters Issued	Other Disposals
1996	31	20	2	9
1997	30	16	1	13
1998	25	6	5	14
1999	16	4	6	6
2000	5	3	1	1
2001	15	5	1	9
2002	23	12	4	7
2003	47	28	6	13
2004	40	19	10	11
2005	36†	16	12	8*

† Includes 4 licensees recalled by the Scottish Ministers.

\* Includes 3 offenders who were recalled to custody and subsequently re-released after consideration of his representations.

## Appendix C

### Time Spent in Custody by Persons First Released from Life Sentences<sup>1</sup>

Year of Release	Years Detained in Custody									Total
	Under 7	7-8	8-9	9-10	10-11	11-12	12-13	13-14	Over 14	
1968	-	-	-	3	1	-	-	-	-	4
1969	1	-	1	-	-	-	-	-	-	2
1970	-	-	-	1	1	1	-	-	-	3
1971	-	-	1	2	-	-	-	-	-	3
1972	-	-	1	-	2	-	-	-	-	3
1973	-	1	1	1	2	-	-	-	1	6
1974	-	-	2	5	1	1	1	-	-	10
1975	-	1	4	6	3	1	-	-	-	15
1976	-	1	6	5	5	1	-	-	-	18
1977	-	-	2	4	5	1	1	1	1	15
1978	-	-	5	4	1	2	-	-	1	13
1979	1	1	2	5	6	2	2	1	1	21
1980	-	-	3	4	6	4	5	3	-	25
1981	-	1	7	20	4	4	4	1	-	41
1982	1	-	-	9	10	1	3	2	3	29
1983	2	3	4	14	11	2	-	-	2	38
1984	1	-	1	5	6	1	-	-	1	15 <sup>2</sup>
1985	1	1	5	4	6	4	1	-	1	23
1986	-	2	4	3	8	2	5	-	-	24
1987	-	-	1	4	6	2	-	1	1	15
1988	-	-	-	-	5	3	1	1	1	11
1989	-	-	-	2	2	4	8	5	4	25
1990	-	-	-	3	7	6	4	2	4	26
1991	-	-	-	1	5	4	2	1	10	23
1992	-	-	-	3	4	3	6	2	5	23
1993	-	-	-	5	8	7	3	1	10	34
1994	-	-	-	2	-	9	1	2	4	18
1995	-	-	-	-	2	6	7	7	4	26
1996	-	-	-	1	4	2	5	3	3	18
1997	-	-	-	-	2	2	2	1	8	15
1998	-	-	-	1	2	1	4	1	7	16
1999	-	-	-	1	2	-	-	-	7	10
2000	-	-	1	2	2	3	2	1	6	17
2001	-	-	-	2	3	2	3	4	14	28
2002	-	-	2	1	7	5	3	5	36	59
2003	2	2	3	4	6	4	3	2	25	51
2004	2	3	1	4	4	1	4	1	8	28
2005	-	1	1	-	3	5	1	2	9 <sup>3</sup>	22
<b>Total</b>	<b>11</b>	<b>17</b>	<b>58</b>	<b>131</b>	<b>152</b>	<b>96</b>	<b>81</b>	<b>50</b>	<b>177</b>	<b>773<sup>4</sup></b>

#### Notes

<sup>1</sup> Includes those detained without limit of time or at Her Majesty's pleasure only until 1997.

<sup>2</sup> In addition, one prisoner was released on life licence on compassionate grounds after serving 3 years 5 months in custody.

<sup>3</sup> Of these 9 cases, 1 served 14-15 years, 2 served 15-16 years, 2 served 17-18 years, 1 served 18-19 years and 3 served over 20 years.

<sup>4</sup> Does not include those recalled to custody and subsequently re-released.

## Appendix D

### Statutory Provisions

#### Ch9 Prisoners and Criminal Proceedings (Scotland) Act 1993, as amended

#### SCHEDULE 2

### The Parole Board

#### *Membership*

1. The Parole Board shall consist of a chairman and not less than 4 other members appointed by the Scottish Ministers.
  - 1A. In making those appointments, the Scottish Ministers shall comply with such requirements as to procedure and consultation as may be prescribed in regulations made by them.
  - 1B. In making regulations under paragraph 1A above, the Scottish Ministers may make different kinds of members of the Board, including kinds of members having the respective qualifications for office specified in paragraph 2 below.
2. The Parole Board shall include among its members:
  - (a) a Lord Commissioner of Justiciary
  - (b) a registered medical practitioner who is a psychiatrist;
  - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners;  
and
  - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.

#### *Limitation, termination etc. of appointment of members*

- 2A. An appointment as a member of the Parole Board shall, subject to paragraph 2B to 2D below, last for such period, being not shorter than 6 years nor longer than seven years, as is specified in the instrument of appointment.
- 2B. A member of the Parole Board may resign at any time by giving notice to that effect to the Scottish Ministers.
- 2C. An appointment of a person as a member of the Parole Board shall not extend beyond the day when the person reaches the age of 75.
- 2D. The appointment of a member of the Parole Board shall come to an end upon the member's being removed from office under paragraph 3 below.

- 2E. A person may be reappointed to be a member of the Parole Board only if-
- (a) three years or more have passed since the person ceased to be a member of the Parole Board; and
  - (b) the person has not previously been reappointed under paragraph 2E(a) above.
- 2F. A person whose membership of the Parole Board came to an end by resignation under paragraph 2B above may be reappointed under paragraph 2E above.
- 2G. A person whose membership of the Board came to an end on removal from office under paragraph 3 below shall not be reappointed.
- 2H. The provisions of paragraph 1 to 2D above apply to a reappointment under paragraph 2E above as they apply to an appointment.

### ***Performance of duties***

- 2J. The Chairman of the Parole Board shall have regard to the desirability of securing that every member of the Parole Board is given the opportunity of participating appropriately in the functions of the Board under this Act on not fewer than 20 days in each successive period of 12 months beginning with the day of the member's appointment as such.

### ***Removal of members from office***

3. A member of the Parole Board may be removed from office by and only by order of the tribunal constituted by and under paragraph 3B below ("the tribunal").
- 3A. The tribunal may order the removal from office of a member only if, after investigation carried out at the request of the Scottish Ministers, it finds that the member is unfit for office by reason of inability, neglect of duty or misbehaviour.
- 3B. The tribunal shall consist of the following three members, who shall be appointed by the Lord President of the Court of Session-
- (a) either a Senator of the College of Justice or a sheriff principal who shall preside);
  - (b) a person who is, and has been for at least 10 years, legally qualified; and
  - (c) one other person who shall not be legally qualified.
- 3C. For the purposes of paragraph 3B above, a person is legally qualified if that person is an advocate or a solicitor.
- 3D. Regulations made by the Scottish Ministers-

- (a) may make provision enabling the tribunal, at any time during an investigation, to suspend a member from office and providing as to the effect and duration of such suspension; and
- (b) shall make further provision as respects the tribunal as the Scottish Ministers consider necessary or expedient, including provision for the procedure to be followed by and before it.

### ***Remuneration and Allowances***

- 4. There shall be paid to the members of the Parole Board such remuneration and allowances as the Secretary of State may with the consent of Treasury determine.
- 5. The expenses of the Board under paragraph 4 above and any other expenses incurred by the Board in discharging its functions mentioned in section 20(1) of this Act shall be defrayed by the Secretary of State.

### ***Reports***

- 6. The Board shall as soon as possible after the end of each year make to the Secretary of State a report on the performance of its functions during the year, and the Secretary of State shall lay a copy before Parliament.

### ***Regulations***

- 6A. Regulations under paragraphs 1A and 3D above shall be made by statutory instrument.
- 6B. No such regulations shall be made unless laid before, and approved by resolution of, the Scottish Parliament.

### ***Financial Information***

#### ***Fees and Expenses***

- 1. Under the provisions of Schedule 1 of the 1989 Act and Schedule 2 of the 1993 Act, members of the Parole Board for Scotland may receive sessional fees for attendance at Board meetings; and they may also be paid a full fee or part of a fee for undertaking other business of the Board, the sessional rates payable to each category of member in 2005 were as follows:

Chairman	£334.00
Legal Member	£284.00
Psychiatrist	£284.00
Lay Member	£182.00

- 2. Members of the Board are also paid allowances for travelling and subsistence in accordance with prescribed scales.

3. On the basis of the current information available, the Board's estimate of its expenditure during 2005/06 is £786,560 made up as follows:

Fees of Members	£353,471
Travel and Subsistence	67,365
Staff Salaries	207,547
Legal Costs	84,482
Advertising Costs	34,219
Other	39,476
<b>Total</b>	<b>£786,560</b>



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