

The Parole Board for Scotland

Annual Report 2006

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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.

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Foreword

I am pleased to present this report on the work of the Board during the first full year of my Chairmanship. As in previous years the Board has been working under growing levels of demand and I am grateful for the hard work and considerable effort which members and staff have put into keeping the work flowing. There have been particular pressures on our legal members who are a required element of the Tribunals and Oral Hearings which together are now a substantial part of our workload. This has resulted from a combination of a vacancy, ill health and other demands on their time.



During the course of the year the Board began its consideration of the potential implications of the Custodial Sentences and Weapons Bill (now Act) which will herald significant changes to the role of the Board and the likely volume of demand on it. We have been pleased to have had the opportunity to comment on the Bill and contribute to the debate.

It is a matter of regret when any person who is released on licence is subsequently brought to the attention of the Board and recalled to custody as a result of their behaviour. It is of note that 45 parole licensees were referred to the Board, of whom 20 were recalled to custody following consideration by the Board. There were however some 167 people referred to the Board as a result of their behaviour who were the subject of a "non parole" licence i.e. people who had not been recommended for parole by the Board but who had been released as the law requires having served two thirds of their sentence. Of these, 112 were recommended for recall by the Board. The difference between these two groups is, in my experience, not well understood by the wider public in that the Board's role in relation to the release of non parole licensees is limited to the imposition, if necessary, of non standard licence conditions to assist with the management of risk, rather than to any question of their suitability for release.

A small group of members met during this year under my chairmanship to review a sample of our cases to give internal assurance as to the defensibility of our decision making processes. It is my intention in the light of this very positive experience to establish an internal review system which will operate as a matter of routine and involve as far as possible all members. The decisions we take and our subsequent directions to Scottish Ministers are crucial to the safety of our wider communities and it is therefore important that the Board keeps itself at the forefront of practice developments in respect of risk assessment and risk management.

The coming year will bring new members to the Board and doubtless further developments in Criminal Justice. I am confident of the commitment of Board members and our staff to play their full part based on their wide ranging and very considerable experience and expertise.

A handwritten signature in black ink, appearing to read "Sandy Cameron". The signature is written in a cursive, flowing style.

Sandy Cameron
Chairman

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

Membership of the Parole Board for Scotland 2006

Professor Alexander Cameron CBE	Chairman, former Director of Social Work, South Lanarkshire Council
Sheriff Rita Rae QC	Vice Chairman Sheriff, Glasgow
Ms Lyndy Boyd	Solicitor
Mr Niall Campbell	Chairman, SACRO
Mrs Anne Carpenter	Psychologist
Mrs Corinne France	Former Senior Manager, Social Services Children and Families
Ms Jeane Freeman	Criminologist
Dr Geraldine Gallagher	Tutor, Social Work Research Centre, Stirling University
Mrs Anne Keenan	Solicitor (To August 2006)
Ms Irene Kitson	Justice of the Peace
Mr Howard Llewellyn	Barrister
Dr John Loudon OBE	Former Consultant Psychiatrist
Sheriff Principal John McInnes QC	Former Sheriff Principal, South Strathclyde, Dumfries & Galloway
Mrs Eleanor McLaughlin	Former Lord Provost, Edinburgh (To August 2006)
Mrs Kathleen McQuillan	Solicitor
Mr Frederick McKerchar	Former Governor, Scottish Prison Service (From October 2006)
Mrs Elaine Noad	Former Director of Social Work, East Ayrshire Council (From October 2006)
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

Chapter 1 – The Year's Work

The tables below provide statistical details of the various cases considered by the Board during 2006. The Tables relate to casework as at 31 December 2006.

Determinate Sentence Prisoners

Total number of cases eligible for consideration	829
Number not wishing to be considered	75
Number referred to the Board for consideration	754*
Number recommended for parole by the Board	283
Number not recommended by the Board	463
Number of cases waiting further information	8

*Includes 74 prisoners who had been awarded extended sentences.

Life Prisoners

Number referred to the Board for consideration	178
Number brought forward from 2005	34
Total cases to be considered	212
Number where release directed	32
Number who died before case considered	2
Number not recommended for release	117
Number of cases postponed or adjourned	7
Number not yet referred to Tribunals	54

“Non Parole” Licences 43

Extended Sentence Cases 55

Children and Young Persons 21

Determinate Sentence Prisoners

The Board has powers to direct Scottish Ministers to direct 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 2006 there was a total of 829 cases eligible for consideration of early release. Of these, 754 cases were referred to meetings of the Board for consideration. This compares with 764 cases referred to the Board in 2005, a decrease of 10 cases. Each prisoner was provided with the opportunity of an interview with a member of the Board.

The Board recommended that 283 prisoners or 37.5% of those referred during 2006 be released on parole. This compares with 363 or 47.5% recommended by the Board in 2005.

In addition the Board had to give further consideration to 35 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 35 cases, 26 had their parole release date withdrawn, two had their release date delayed and in 7 cases the Board agreed that the release date should stand.

Forty-two of the cases recommended for release during 2006 were being considered for a second or subsequent review i.e. between the half-way and two thirds point of their sentence.

Summary of Determinate Sentence Cases Where Release Recommended - by Offence

	Violence	Drugs	Sexual	Property	Other	Total
10 years or over	9	1	1	-	-	11
Under 10 Years	135	104	5	4	24	272
Total	144	105	6	4	24	283

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

Sixty-two of the 463 cases considered by the Board but not recommended for parole were recommended for a further review in less than the normal 12 month period that elapses between reviews.

As can be seen from the following table, the proportion of prisoners eligible for consideration for parole who opt out of the process increased over the previous twelve months.

Year	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Eligible	674	687	680	719	690	749	766	770	813	829
Opting out	76	70	46	63	43	58	60	67	49	75
%	11.3	10.2	6.8	8.8	6.2	7.7	7.8	8.7	6.0	9.1

“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 automatically released on licence when they have served two thirds of their sentence in custody. These licences expire at the sentence end date. The term “non-parole” licence is used to describe the non-discretionary period of supervision in the community.

During 2006 the Board recommended that conditions be attached to the licences of 289 prisoners who were not released on parole. A further 43 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 all of these cases the Board recommended that non-standard or further conditions be attached to the offenders’ release licences.

Oral Hearings

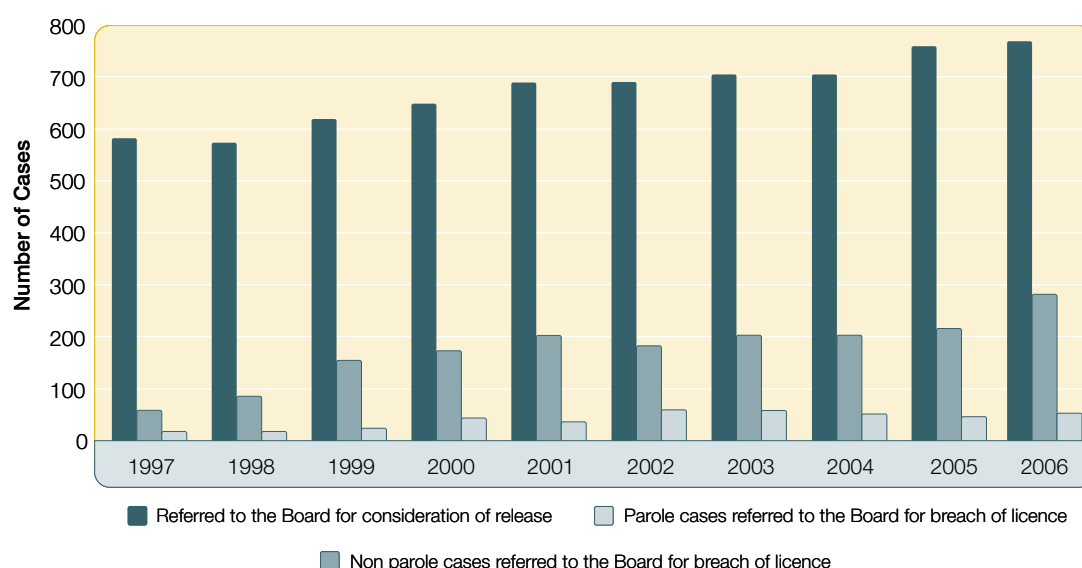
During 2006 the Board held 17 Oral hearings.

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, and where the "custody" part is less than 4 years.

During 2006 Scottish Ministers referred 55 cases to the Board 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 all of these cases the Board recommended that additional “non-standard” conditions be attached to the offenders’ licences.

Determinate Sentences 1997-2006



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. The Board will only be required to consider the case when the prisoner had served the punishment part of his or her sentence, i.e. the minimum period fixed by the Court that the prisoner must serve in custody before being eligible for release on licence.

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

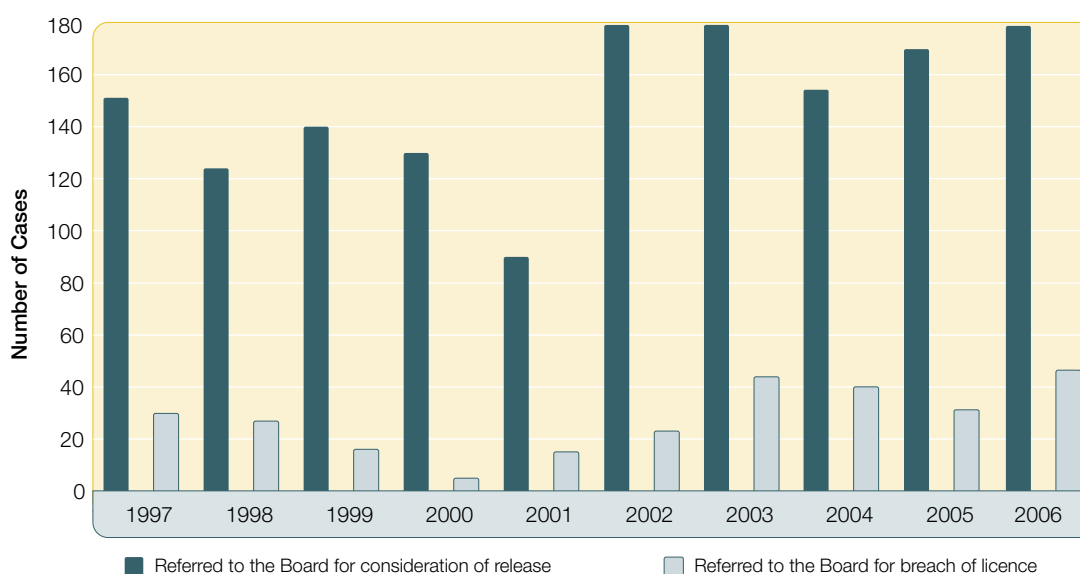
A solicitor or advocate of not less than 10 years standing.

During 2006 the Scottish Ministers referred 178 life prisoner cases to the Board 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 12 cases that had been postponed or adjourned during 2005 and 22 other cases that had been carried over from 2005.

Consideration of 149 cases was concluded in 2006. In 32 cases, the Tribunals directed Scottish Ministers to release the prisoner. In 117 cases the Tribunals did not direct release, but fixed a further review. Seven cases were adjourned or postponed and in 54 cases Tribunals will be convened in 2007. Two prisoners died before their cases could be considered by Tribunals of the Board.

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 2006. These cases are reported at page 16.

Life Prisoner Cases 1997-2006



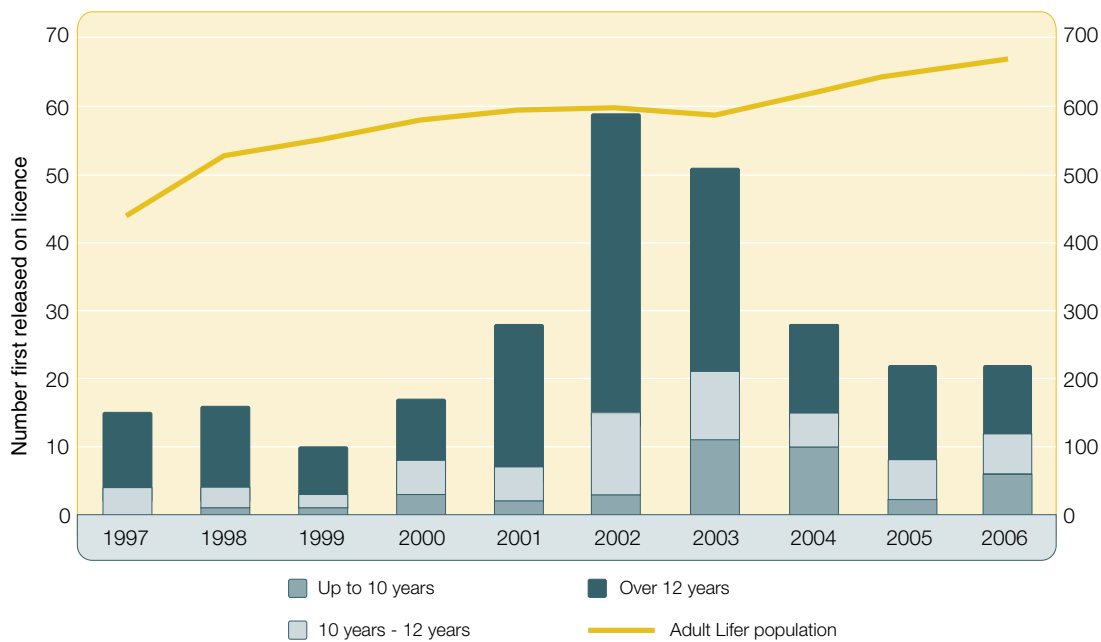
The following table shows the number of Tribunals convened to consider the cases of life prisoners since 1997 and the outcome of these Tribunals.

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Cases Referred	9	38	40	40	44	179	179	154	173	178
Cases Carried Over	None	None	None	None	3	2	33	38	35	34
Total Cases	9	38	40	40	47	181	212	192	208	212
Release Directed	1	6	12	10	9	53	55	33	38	32
Retain Release Date	None	None	None	None	None	2	1	n/a*	n/a*	n/a*
Revised Release Date Awarded	None	None	None	None	None	2	None	n/a*	n/a*	n/a*
Release Date Withdrawn	None	None	None	None	1	2	1	n/a*	n/a*	n/a*
Number who died before case considered	None	None	None	None	None	None	None	None	None	2
Further Review	8	32	28	27	35	89	117	124	136	117
Postponed or Adjourned	None	None	None	3	2	9	6	9	12	7
Cases yet to be Considered	None	None	None	None	None	24	32	26	22	54

* Provision only applied to adult mandatory life prisoners who had been recommended for release by the Board before the provisions in schedule to the Convention Rights (Compliance) Scotland Act 2001 came into force.

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. Table at Appendix C shows that the majority of those first released on licence during 2006 had spent more than 10 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 to 4 years or more under section 208 of the Criminal Procedure (Scotland) Act 1995 referred to it by Scottish Ministers. And in all cases, sets the conditions to be attached to the young person's release licence.

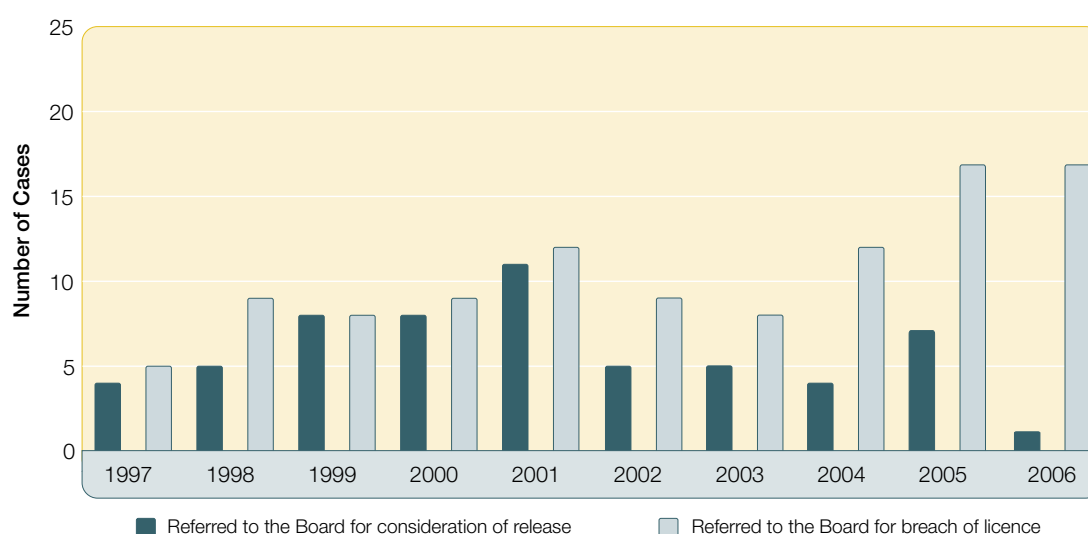
In 2006 the cases of 21 children and young persons sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 were referred to the Board. One of these cases was referred in order that the Board might consider whether or not it was appropriate that the individual be released on licence. The Board recommended early release.

The remaining 20 cases involved children and young persons who were due to be released automatically at the half way point of their sentence on licence. These cases were referred in order that the Board might set the conditions to be attached to their release licences.

A further 16 cases were reported to the Board where children and young persons sentenced under section 208 of the 1995 Act and released under section 7 of the 1993 Act had breached the conditions of their licence. The Board recommended that 12 be recalled to custody. In 3 cases further conditions were attached to the release licences and in one case no action was deemed to be necessary. In addition the Scottish Ministers revoked the licences of two individuals.

Therefore a total of 14 children and young persons were recalled to custody. Five of these 14 individuals were serving extended sentences. Of the 14 recalled, one was subsequently re-released, 5 were not subsequently re-released and, by the end of 2006, one extended sentence Tribunal had been postponed and the remaining 7 cases had not been referred to the Board.

Children and Young Persons 1997-2006



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 who have been released on parole, non-parole licence and life sentence prisoners released on life licence 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 previously reported, at the end of 2005 the Board had yet to conclude consideration of the cases of 11 individuals who had been recalled to custody following their release on parole. Consideration of 10 of these cases was concluded in 2006 and one was re-released and 9 were not re-released.

During 2006 a number of parolees were 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 45 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. In addition, in 5 cases the licence was revoked by Scottish Ministers. See Appendix B Table 1.

Warning letters were issued to 7 licensees. Five licensees were recalled to custody and subsequently re-released on licence. Twenty licensees were recalled to custody and not re-released. Of the 5 individuals whose licence was revoked by Scottish Ministers, 4 were not re-released and in the case of the fifth individual, representations against recall were still awaited at the end of the year. A further 9

licensees were recalled to custody and have yet to submit representations against recall to Scottish Ministers. The Board has, therefore, not concluded consideration of their cases. Of the remaining 4 cases, no further action was deemed necessary.

Further analysis of the cases of the 24 licensees recalled during 2006 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	6	-	2	4	1	1
Drugs	-	-	5	2	-	1
Sexual	-	-	-	1	-	-
Property	1	-	-	-	-	-
Other	-	-	-	-	-	-
Total	7	-	7	7	1	2

Non Parole Licensees

As reported in 2005, at the end of that year the Board had still to conclude consideration of the cases of 53 licensees where their representations or further information was awaited. Consideration of 52 of these cases was resumed in 2006. Ten were re-released on licence and 42 were not re-released.

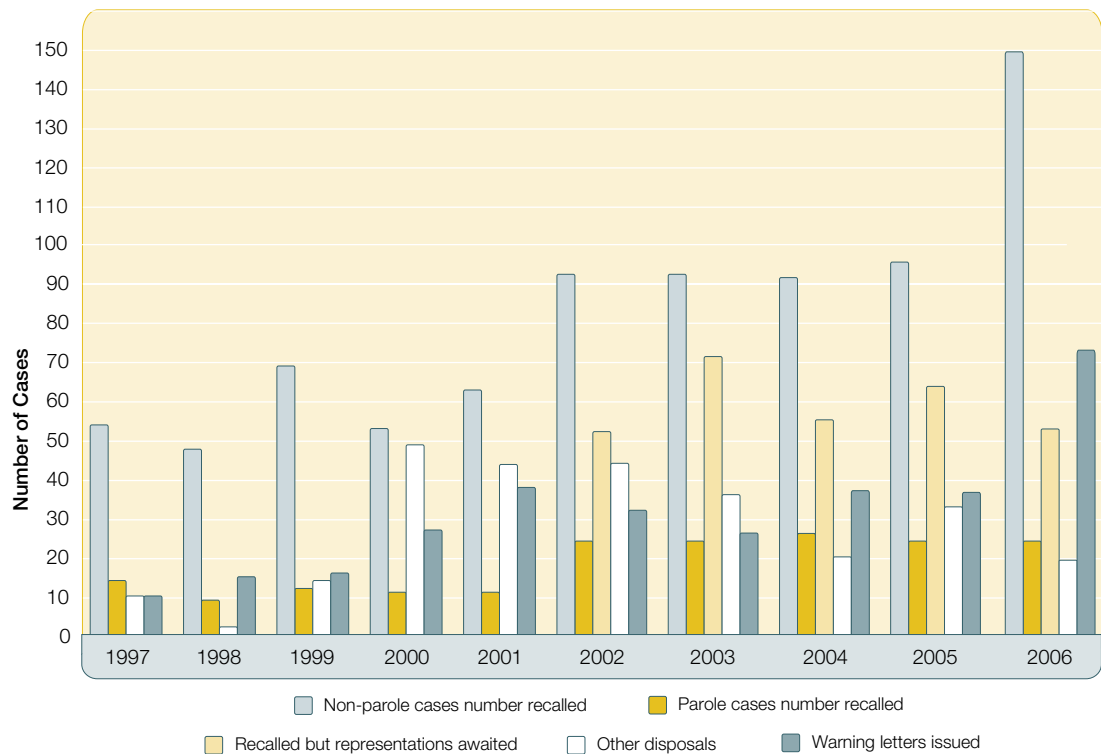
During 2006 the Board was asked to consider the cases of 257 individuals who were the subject of "non-parole" licences (i.e. those released having served two-thirds of their sentence, and those who had been released by the Board on parole between the half-way and two thirds part, but the discretionary period had expired) whose behaviour in the community had given cause for concern. The Board recommended that 175 of these licensees be recalled to custody. In addition Scottish Ministers revoked the licences of 40 individuals. Therefore a total of 215 licensees were returned to custody. Of those who were recalled, 22 were subsequently re-released, 150 were not re-released and at the end of the year 43 cases had yet to be referred back to the Board in order that it consider whether or not it is appropriate to direct immediate re-release on licence. Warning letters were issued to 66 licensees, further or amended conditions were attached to the licences of 4 individuals and no action was taken in 12 cases.

Further examination of the cases of the 150 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	27	-	10	19	12	16
Sexual	-	-	-	10	2	-
Drugs	10	1	23	5	1	4
Property	-	-	1	-	1	-
Other	3	-	1	-	2	2
Total	40	1	35	34	18	22

It was also noted that 45 of the above offenders had initially been released on parole licence and 6 had previously been recalled to custody, but were re-released on licence.

Grounds for Recall – Determinate Sentences Outcome of Cases Referred 1997-2006



Extended Sentences

In the event of an extended sentence prisoner being recalled to custody, Scottish Ministers are required to refer the case to the Board to consider whether it is necessary for the protection of the public from serious harm, that the prisoner shall continue to be confined. 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 2006 the Board was required to conclude its consideration of the cases of individuals who had been sentenced to extended sentences and who had been recalled to custody during 2005. Twelve such cases were considered by Tribunals in 2006. In one case the Board did direct the prisoner's immediate re-release, in 10 cases it did not and at the end of the year one Tribunal had still to be concluded.

During 2006 Scottish Ministers referred 54 cases to the Board where the behaviour of the licensee was giving cause for concern. The Board recommended that 38 licensees be recalled to custody. In 14 cases the Board recommended that warning letters be sent to the licensees and in two cases no action was deemed necessary. In addition the Scottish Ministers revoked the licences of 28 extended sentence licensees.

Of the 66 licensees recalled to custody, 32 had their cases for immediate re-release considered by Tribunals of the Board during 2006. The Board directed that one be immediately re-released and 31 were not re-released.

Of the remaining 34 cases, 27 had been referred to the Board and Tribunals will be convened in 2007 and 7 had not been referred to the Board for consideration of re-release.

During 2006 the Board also considered the cases of 26 extended sentence prisoners who had been recalled to custody and who had not subsequently been re-released by Tribunals of the Board. These further reviews resulted in 3 prisoners being released on licence. Twenty-three were not released.

Life Licensees

In the event of a life licensee being recalled to custody, Scottish Ministers are required to refer the case to the board to consider whether it is necessary for the protection of the public that the prisoner shall continue to be confined. 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 2006 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 18 licensees be recalled to custody. One of these individuals was subsequently re-released and 8 were not re-released. Eight of

those who were recalled will have their case for re-release considered by Tribunals of the Board during 2007. The remaining individual had not had his case for consideration of re-release considered by the Board by the end of the year as he had received a further prison sentence. In addition, the Scottish Ministers referred the cases of 14 life prisoners to the Board where they had revoked the licences. Nine of them were not re-released, one was re-released, one received a further prison sentence and consideration of the remaining 3 cases should be concluded in 2007.

Of the remaining 14 cases referred to the Board as possible grounds for recall, warning letters were issued to 11 licensees and in 3 cases it was agreed that no action was necessary.

In addition the Board was required to convene Tribunals to consider the cases of 6 life prisoners who had been recalled to custody in previous years. In 4 cases the Tribunals directed re-release on licence and in 2 cases the Tribunals of the Board did not direct re-release on life licence.

Home Detention Curfews

The Management of Offenders Etc (Scotland) Act 2005 provided for the introduction of Home Detention Curfews (HDC) in Scotland. HDC is a package of measures contained in that Act designed to co-ordinate and manage offenders more effectively and to reduce the risk of re-offending. HDCs are designed to allow selected low risk prisoners the opportunity to serve the last part of the custodial component of their sentence in the community. HDCs for those prisoners serving short term sentences of less than 4 years were introduced with effect from 3 July 2006.

The decision to grant an HDC rests with the Scottish Prison Service. A risk assessment is undertaken, which includes a report from local authority criminal justice social workers. The HDC licence includes the standard conditions, a curfew condition and any non-standard licence conditions considered appropriate by the Scottish Prison Service and the local authority criminal justice social workers.

If a prisoner released on an HDC licence breaches any of the licence conditions, he or she may be recalled to custody. It is the Scottish Prison Service that that makes the decision to recall based on evidence of a breach supplied by the electronic monitoring company, the criminal justice social worker or the police.

On the licensee being returned to custody he or she must be advised of the reasons for the revocation of the licence and of his or her right to make representations to the Scottish Ministers. If such a prisoner does make written representations to the Scottish Ministers the case must be referred to the Parole Board. It is the Parole Board's role to determine whether or not to direct the Scottish Ministers to cancel the revocation of the licence.

During 2006 the Board considered the cases of 3 prisoners who had been released on HDC licences and who had subsequently been returned to custody. In two cases the Board directed the Scottish Ministers to cancel the revocation of the licences and in the other case the Board did not make such a direction.

Sexual Offenders Sentenced to Short Term Determinate Sentences

Section 15 of the Management of Offenders Etc (Scotland) Act 2005 amended the Prisoners and Criminal Proceedings (Scotland) Act 1993 by inserting a new Section 1AA which provides that short term prisoners sentenced to a term of 6 months or less than 4 years and who, by virtue of their conviction are subject to the notification requirements of the Sexual Offences Act 2003 will be released on licence as soon as they have served one-half of their sentence.

These provisions came into effect on 8 February 2006 and apply to offenders in custody at that time as well as any individual sentenced on or after that date for an offence that is the subject of the notification requirements of the Sexual Offences Act 2003. The Scottish Ministers set appropriate licence conditions for this group of offenders. Scottish Ministers do not seek the views of the Parole Board on such licence conditions. Section 1AA applies Section 17 of the 1993 Act to this group of offenders therefore Scottish Ministers and the Parole Board may consider alleged breaches of licence conditions and, where it is considered appropriate, revoke the licence and return the offender to custody. The Parole Board is responsible for considering the case for re-release and taking the action considered appropriate in each case in accordance with The Parole Board (Scotland) Rules 2001.

During 2006 the Scottish Ministers referred 3 cases to the Board where the behaviour of licensees had given cause for concern. In two cases the Board recommended that the offenders be recalled to custody and in the other case the Board did not recommend recall. In addition the Scottish Ministers referred to the Board 4 cases where Scottish Ministers had revoked the offenders' licences in order that the Board could consider whether or not it was appropriate to order that they be immediately re-released. In 3 cases the Board agreed not to order that the offenders be immediately re-released and by the end of the year the Board had not yet concluded its consideration of the remaining case.

Chapter 2 - Board Membership Meetings and Visits

Board Meetings

2006 was the 39th year of the operation of the parole system in Scotland. During the year the Board met on 47 occasions to consider the cases of prisoners and licensees referred by the Scottish Ministers. The Board also concluded 168 Life Prisoner Tribunals, 58 Extended Sentence Tribunals and 16 oral hearings during the year. In addition the Board held two General Purposes Meetings and an Annual Conference.

Board Membership

The membership of the Board during 2006 is shown at page 6. During the course of the year Anne Keenan resigned from the Board and at the end of the year Eleanor McLaughlin left the Board after her period in office. During the course of the year Elaine Noad and Frederick McKerchar were appointed to the Board.

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 Scottish Prison Service's Integrated Case Management System; the Board's role in relation to Home Detention Curfews for short term sentence prisoners; the proposals contained in the Custodial Sentences and Weapons (Scotland) Bill; the Board's performance against its agreed targets; and the Board's expenditure.

Parole Board Conference

The Board held its fourteenth annual conference on Friday 1st and Saturday 2nd December 2006 at Kinross. The Conference provides the members with the opportunity to gather to discuss in-depth matters relating to the work of the Board. David Cunningham and Fiona Clark of the Social Work Inspection Agency gave an interesting presentation on Children as Victims. Ewan Lundie of the Scottish Prison Service provided the Board with an up to date position with regard to the Sex Offender Treatment Programme. Ron Smith of Dundee Social Work Department apprised the members on the work of the Tay Project. DS James Cameron and Tayside Police provided an interesting insight in to the Monitoring of Sexual Offenders in the community. Eric Murch of the Scottish Prison Service updated the Board with regard to the programmes available in prison establishments in Scotland. Roisin Hall updated the members regarding the work of the Risk Management Authority and Jane Richardson of the Scottish Executive Justice Department gave an interesting presentation on the progress of the Custodial Sentences and Weapons (Scotland) Bill and the impact that the proposals will be likely to have on the work of the Board.



Working Group to Review Board Decisions

At the General Purposes Meeting of 20 April 2006 it was agreed that a previous Working Group established to review Board decisions should be reconstituted. The group met on six occasions between June and October 2006. It examined 25 determinate sentence prisoners' cases and 19 life prisoner cases where prisoners released on licence had been recalled to custody. The Review Working Group considerations included the defensibility of the decisions reached and the adequacy of the reasons given for decision.

The Group found the decisions reached were both reasonable and defensible. It also recommended that, whilst at all times needing to remain mindful of the requirement to preserve the judicial independence of the Board, members of the Board should, collectively and individually, examine the Board's work and ways of working. The Board is now considering this recommendation and the most appropriate means of implementing it.

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 2006 and earlier years can be viewed on the website.

Chapter 3 – Efficiency

In its Corporate Plan for 2005 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 98.3 % of cases.

Prisoners interviewed in 2006	714
Target met or exceeded	670 (98.3%)

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 90.2% of cases.

Cases to meetings in 2006	754
Target met or exceeded	680 (90.2%)

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 did not meet this target in 15 out of 20 cases (75%).
- (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 did not meet this target in 51 out of 108 cases (47%).
- (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 (100%).

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 2006 reveal that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2006 for life prisoners and extended sentence prisoners is £888, the average cost of considering a case at a meeting of the Board is £160 and the average cost of conducting an interview is £101.

The Board wishes to thank the many individuals and agencies who continue to support the parole process 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.

Parole Board for Scotland
Saughton House
Edinburgh
October 2007

Members of the Board

Alexander Cameron
Rita Rae
Lyndy Boyd
Niall Campbell
Anne Carpenter
Corinne France
Jeane Freeman
Geraldine Gallagher
Anne Keenan (To August 2006)
Irene Kitson
Howard Llewellyn
John Loudon
John McInnes

Eleanor McLaughlin (To August 2006)
Kathleen McQuillan
Frederick McKerchar (From October 2006)
Elaine Noad (From October 2006)
Lady Paton
Fiona Reith
Bruce Ritson
Richard Scott
James Spy
Frances Stuart
Douglas Thomson
Christine Vine

Survey of Annual Caseloads During the Period 1.1.97 to 31.12.06

Table 1 Fixed Term Sentences

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
a. Total cases processed by the Department	674	687	680	719	690	749	766	770	813	829
Prisoners not wishing to be considered	76	70	46	63	43	58	60	67	49	75
Parole cases not referred to the Board	14	39	14	-	-	-	-	-	-	-
b. Total cases referred to the Parole Board	584	578	620	656	647	691	706	703	764	754
c. Total cases not recommended by the Parole Board	384	310	304	279	301	272	354	380	395	463
Cases not recommended by the Parole Board	328	262	253	240	261	240	301	322	328	401
Cases not recommended but early review requested	56	48	51	39	40	32	53	58	67	62
d. Total cases recommended for parole by the Parole Board	209	262	311	374	340	417	345	311	363	283
e. Total cases where further information awaited	3	6	5	3	6	2	7	12	6	8

Table 2 Life Prisoners

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Cases Carried Forward	-	-	-	-	-	2	33	38	35	34
Cases referred to the Parole Board	151	123	140	131	93	179	179	154	173	178
Total of cases to be considered	151	123	140	131	93	181	212	192	208	212
Cases where release recommended/ directed	29	29	26	46	39	53	55	33	38	32
Cases where release not recommended	122	94	114	83	51	89	117	124	136	117
Release date retained	-	-	-	-	1	2	1	-	-	-
Revised release date awarded	-	-	-	-	-	2	-	-	-	-
Release date withdrawn	-	-	-	-	1	2	1	-	-	-
Prisoners who died before case considered	-	-	-	-	-	-	-	-	-	2
Cases postponed or adjourned	-	-	-	-	-	9	6	9	12	7
Cases awaiting sitting of Tribunal	-	-	-	2	-	24	32	26	22	54

Table 3 Children and Young Persons

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Cases referred to the Parole Board for Consideration of release	5	5	8	4	5	5	10	5	7	1
Cases not recommended	4	1	4	2	2	-	2	1	3	1
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	-
Cases referred to the Board for information	-	-	-	4	6	8	5	21	16	20

Appendix B

Determinate Sentence Cases Possible Grounds for Recall Reported to the Parole Board Annually During the Period 1.1.98 to 31.12.2006

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	50	6	25	11	5	3
2006	50	5	24	10	7	4

* Includes 5 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	235	24	95	53	32	31
2006	297*	22	150	43	66	16

* Includes 40 licensees recalled by Scottish Ministers.

Life Sentence Cases Possible Grounds for Recall Reported to the Parole Board Annually During the Period 1.1.97 to 31.12.2006

Table 3: Life Sentence Cases

Year	Total Cases Referred	Number Recalled	Warning Letters Issued	Other Disposals
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
2006	46†	30	11	5*

† Includes 14 licensees recalled by the Scottish Ministers.

* Includes 2 offenders who were recalled to custody and subsequently re-released after consideration of their representations.

Appendix C

Time Spent in Custody by Persons First Released from Life Sentences¹

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 ²
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	22
2006	1	2	1	2	4	2	1	1	8 ³	22
Total	12	19	59	133	156	98	82	51	185	795⁴

Notes

Note 1 Includes those detained without limit of time or at Her Majesty's Pleasure only until 1997.

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

Note 3 Of these 8 cases, 1 served 14-15 years, 2 served 16-17 years, 1 served 17-18 years, 1 served 18-19 years and 3 served over 20 years.

Note 4 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 2006 were as follows:

Chairman	£340
Legal Member	£289
Psychiatrist	£289
Lay Member	£185

- 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 2006/07 is £964,574 made up as follows:

Fees of Members	£469,326
Travel and Subsistence	71, 530
Staff Salaries	193,288
Legal Costs	133,916
Advertising Costs	21,055
Other	75,549
Total	£964,574

This represents an overspend of £164,574 and is due to additional casework load, and legal costs.

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