

The Parole Board for Scotland

**Annual Report
2007-08**

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Annual Report 2007-08

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.

December 2008

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Foreword

I am pleased to present this report on the work of the Parole Board for Scotland. There are two major differences to the form of the report this year. The first change is that we have chosen to publish the report on our website rather than in hard copy. This is consistent with the environmental expectations which lie with all public bodies in Scotland. The second is that this report covers a different length of time from previous reports in that it deals with 15 month's work. This changes the reporting cycle to be in line with the financial year, rather than the calendar year. Thus future reports will cover the period of April to March each year. In reading this report and when making comparisons, it is important to be mindful that the information relates to a longer period than usual.



This reporting period has again seen an increase in the workload for the Board and also covers a time when the Board faced considerable operational difficulties which resulted in performance falling behind in terms of some timescales. This is not a desirable position to be in, but resulted from the limited availability of legal members for a variety of unavoidable reasons. This meant that there were considerable difficulties for some months in being able to schedule tribunals, with the result that a backlog accrued. I am grateful to Board members for the very considerable effort they put in to deal with this by making themselves available as much as possible and conducting more than one tribunal per day. The appointment of new legal members further assisted in dealing with the backlog and the new legal members were quick to take up their duties thereby assisting with the clearance of the backlog. I anticipate that when I present the next annual report this problem will have been resolved. It does however highlight the pressures which fall on the Board members when faced with growing demand and limited availability. I am conscious that it is not only the Board which faces these pressures but that the whole Justice System operates under considerable pressure.

The Board has found that it has been the subject of growing challenge through Judicial Review and has as a result spent time considering the implications of court decisions in relation to parole issues both north and south of the border. We have also continually examined our practice as issues have arisen to ensure that our work can stand up to scrutiny. This is important in both the protection of the public but also in ensuring that the rights of prisoners are given proper attention. I have no reason to believe that there is likely to be any significant diminution in the focus on these issues for the foreseeable future. These matters require considerable time to be devoted to preparing the Board's case and I am grateful for the highly professional support which we receive from our independent legal advisers at Anderson Strathern.

The period of this report has also seen very substantial changes in the staff support to the Board. This was formerly known as the Secretariat and is now called the Parole Board Executive. Some additional staff resources have been provided to enable the workflow systems of the Board to be developed and I am

confident that in time this will bring about real benefits not least of all in being able to provide more information in future annual reports. It remains an aim of mine to establish a research base for the Board in order that we can examine the implications of our decisions on a more routine basis. Progress has however been slower than I would have wished due to regular turnover in staffing and the loss of some considerable experience within the staff group. As we reached the end of the reporting period we were making good progress towards greater stability and I am confident that we have the basis of a very professional staff team in the Parole Board Executive.

During the year the Board was able to comment on the Custodial Sentences and Weapons Bill and to express our concerns as to the viability of undertaking risk assessment in relation to very short sentence prisoners. We welcome therefore the reconsideration of these matters and look forward to being able to contribute to the next stages of the debate. We are clear that the work we undertake is crucial to the safety of the public and that it can only be done on the basis of good information. The preparation of that information takes time and we would be concerned if insufficient time were to be available. The growing size of the prison population has been of note in that it is our impression that access to appropriate programmes for prisoners can be delayed because of volume of demand. We are committed to ongoing involvement in considering how this can best be tackled. The Board has a very wide range of experience amongst its membership which will underpin our contribution.

This report covers the 40th year of the Parole Board in Scotland and during that time many changes have occurred to the ways in which the Board works. It will be noted in particular that Tribunals have been a growing feature of our work in recent years. New areas of responsibility have been added as legislation has developed. I have no doubt that my predecessors of previous decades would find vast changes but at the centre of the work today, as it was 40 years ago, lies a careful concern for the safety of the public set alongside a belief that people who offend can with appropriate support be rehabilitated and go on to lead crime free lives. Many people have brought their experience to bear over the years as members of the Board and all have been as aware as those of us who serve today, of the responsibility which sits on our shoulders. I am grateful to my fellow members and staff for their enduring hard work and commitment to our task.



Sandy Cameron
Chairman

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Membership of the Parole Board for Scotland 2007-08

Professor Alexander Cameron CBE	Chairman, former Executive Director of Social Work, South Lanarkshire Council
Sheriff Rita Rae QC (until 31 December 2007)	Vice Chairman, Sheriff, Glasgow
Sheriff Fiona Reith QC	Vice Chairman, Sheriff, Edinburgh
Ms Lyndy Boyd	Solicitor
The Hon Lord Bracadale (from 3 December 2007)	Senator of the College of Justice
Mr Francis Brown (from 3 September 2007)	Consultant in Health & Social Care
Mr Niall Campbell	Chairman, SACRO
Mrs Anne Carpenter	Psychologist
Mr George Keith Carruthers (from 3 September 2007)	Former Deputy Divisional Commander, Strathclyde Police
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
Mr Andrew Jones (from 3 September 2007)	Media Consultant
Ms Irene Kitson	Justice of the Peace
Mrs Josephine Knox (from 3 September 2007)	Social Work Consultant
Mr Howard Llewellyn	Barrister
Dr John Loudon OBE	Former Consultant Psychiatrist
Sheriff Principal John McInnes	Former Sheriff Principal, South Strathclyde, Dumfries & Galloway
Mr Frederick McKerchar	Former Governor, Scottish Prison Service
Ms Kathleen McQuillan	Solicitor
Mr Charles Milne (from 3 September 2007)	Solicitor
Mrs Elaine Noad	Former Director of Social Work and Housing, South Ayrshire Council

Professor David O'Donnell (from 3 September 2007)	Solicitor
The Hon Lady Paton (until 30 November 2007)	Senator of the College of Justice
Mrs Moira Ramage (from 3 September 2007)	Solicitor
Dr Bruce Ritson	Former Consultant Psychiatrist
Sheriff Richard Scott	Former Sheriff, Edinburgh
Sheriff James Spy (until 24 January 2007)	Sheriff, Glasgow
Mr David Stewart (from 3 September 2007)	Former Civil Servant
Mrs Frances Stuart	Former Social Work Director
Mr Douglas Thomson (until 31 December 2007)	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 the period 1 January 2007 – 31 March 2008.

Determinate Sentence Prisoners – 1st Review for early release

Number recommended for parole by the Board	198
Number recommended for parole from a forward date by the Board	20
Number not recommended by the Board but due a further review	109
Number not recommended by the Board and licence conditions set	209
Number of cases deferred for further information	77
Total	613

Determinate Sentence Prisoners – 2nd or subsequent review for early release

Number recommended for parole by the Board	17
Number recommended for parole from a forward date by the Board	6
Number not recommended by the Board but due a further review	7
Number not recommended by the Board and licence conditions set	66
Number of cases deferred for further information	12
Total	108

Determinate Sentence Prisoners – Review for early release following recall

Number recommended for parole by the Board	16
Number not recommended by the Board	67
Number of cases deferred for further information	15
Total	98

Determinate Sentence Prisoners – other considerations

Request to transfer supervision authority	31
Request to terminate supervision	3
Number of cases deferred for further information	1
Total	35

Determinate Sentence Prisoners – adverse development

Recommendation for early release on parole withdrawn	30
Recommendation for early release on parole upheld	5
Number of cases deferred for further information	4
Total	39

Extended Sentence Prisoners –Review for early release

Number recommended for parole by the Board	7
Number recommended for parole from a forward date by the Board	2
Number not recommended by the Board but due a further review	28
Number not recommended by the Board and licence conditions set	57
Referral for licence conditions only	85
Number of cases deferred for further information	18
Total	197

Life Prisoners

Number referred to the Board for consideration	248
Number brought forward from 2006	77
Total	325
Number where release directed	75
Number who died before case considered	1
Number not recommended for release	189
Number of cases postponed or adjourned	52
Number not yet referred to Tribunals	62

Extended Sentence Prisoners consideration for re-release

Number referred to the Board for consideration	144
Number brought forward from 2006	40
Total	184
Number where release directed	21
Number who died before case considered	0
Number not recommended for release	111
Number of cases postponed or adjourned	51
Number not yet referred to Tribunals	50

Life Prisoners – other considerations

Request to transfer supervision authority	15
Request to terminate supervision	20
Request for an earlier hearing by a Life Prisoner Tribunal	12
Amendment to life licence conditions	2
Number of cases deferred for further information	1
Total	50

Miscellaneous

“Non-Parole” Licences	103
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Short term sex offenders	14

Determinate Sentence Prisoners

The Board has powers to direct Scottish Ministers to release determinate sentence prisoners (i.e. 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 2007-08 there were a total of 992 cases eligible for consideration of early release. Of these, 894 cases were referred to meetings of the Board for consideration. Each prisoner was provided with the opportunity of having an interview with a member of the Board. Ninety eight prisoners chose to self-reject from the parole process.

The Board recommended that 266 prisoners or 30% of those referred during 2007-08 be released on parole.

In addition the Board had to give further consideration to 39 cases where the prisoner had been granted parole, but where a report of an adverse development was referred to the Board before the prisoner's release date. Of these 39 cases, 30 had their parole release date withdrawn, 4 had their release date delayed and in 5 cases the Board agreed that the release date should stand.

Twenty three of the cases recommended for release during 2007-08 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
10 years or over	10	2	1	-	1	14
Under 10 Years	105	103	17	5	22	252
Total	115	105	18	5	23	266

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.

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 month period.

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007-08
Eligible	687	680	719	690	749	766	770	813	829	992
Opting out	70	46	63	43	58	60	67	49	75	98
%	10.2	6.8	8.8	6.2	7.7	7.8	8.7	6.0	9.1	9.8

“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 2007-08 the Board recommended that conditions be attached to the licences of 332 prisoners who were not released on parole. A further 103 cases were returned to the Board to enable it to apply specific licence conditions to the offenders’ non-parole 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, and where the “custody” part is less than 4 years.

During 2007-08 Scottish Ministers referred 85 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.

Life Prisoners

The Board has the powers to direct the Scottish Ministers to release life prisoners on licence 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 has 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 2007-08 the Scottish Ministers referred to the Board the cases of 248 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 77 cases that had been carried over from 2006.

Consideration of 264 cases were concluded in 2007-08. In 75 cases, the Tribunals directed Scottish Ministers to release the prisoner. In 189 cases the Tribunals did not direct release, but recommended a further review take place. 52 cases were adjourned or postponed and in 62 cases Tribunals will be convened in 2008-09. One prisoner died before his case could be considered by Tribunals of the Board.

The following table shows the number of Tribunals convened to consider the cases of life prisoners since 1998 and the outcome of these Tribunals.

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007-08
Cases Referred	38	40	40	44	179	179	154	173	178	248
Cases Carried Over	None	None	None	3	2	33	38	35	34	77
Total Cases	38	40	40	47	181	212	192	208	212	325
Release Directed	6	12	10	9	53	55	33	38	32	75
Retain Release Date	None	None	None	None	2	1	None	None	None	None
Revised Release Date Awarded	None	None	None	None	2	None	None	None	None	None
Release Date Withdrawn	None	None	None	1	2	1	None	None	None	None
Number who died before case considered	None	2	1							
Further Review	32	28	27	35	89	117	124	136	117	189
Postponed or Adjourned	None	None	3	2	9	6	9	12	7	52
Cases yet to be Considered	None	None	None	None	24	32	26	22	54	62

Details of the period of years served by life prisoners prior to their first being released on life licence are given at Appendix A together with the corresponding information for preceding years. Table at Appendix A shows that the majority of those first released on licence during 2007-08 had spent more than 10 years in custody.

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 2007-08 the cases of 34 children and young persons sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 were referred to the Board. Five of these cases were 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 in 3 cases and refused early release in 2 cases.

The remaining 29 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. The Board recommended that conditions be attached to the licences in all of the 29 cases.

A further 8 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 6 be recalled to custody, in 2 cases the Board agreed to issue the young person with a warning letter. In addition the Scottish Ministers revoked the licences of 6 individuals.

During the same period the Board considered the re-release of 12 young people. Of the 12 recalled, one was subsequently re-released and 11 were not re-released.

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 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

During 2007-08 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 24 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.

Warning letters were issued to 13 licensees, 9 licensees were recalled to custody and in one case no action was deemed necessary. The Board subsequently re-released 2 on licence. The rest were not re-released.

Further analysis of the cases of the licensees recalled during 2007-08 and not subsequently re-released showed the following:

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	2	-	4	3	-	-
Drugs	-	-	3	1	-	1
Sexual	-	-	-	-	-	-
Property	-	-	-	-	-	-
Other	-	-	-	-	1	1
Total	2	-	7	4	1	2

“Non-Parole” Licensees

During 2007-08 the Board was asked to consider the cases of 282 individuals who were the subject of “non-parole” licences (i.e. those released 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 175 of these licensees be recalled to custody. In addition Scottish Ministers revoked the licences of 85 individuals. Therefore a total of 260 licensees were returned to custody. Of those who were recalled, 39 were subsequently re-released, 207 were not re-released and at the end of the year 36 cases were deferred for further information. Warning letters were issued to 81 licensees, further or amended conditions were attached to the licences of 2 individuals and no action was taken in 15 cases.

Further examination of the cases of the 207 licensees recalled to custody and not subsequently re-released showed the following:

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	40	1	11	34	8	16
Sexual	1	1	1	18	-	-
Drugs	11	1	28	21	1	3
Property	-	-	-	-	2	-
Other	4	-	-	3	1	1
Total	56	3	40	76	12	20

Oral Hearings following recall

In the interests of fairness and justice the Board may convene an urgent hearing within the prison where the offender is situated, if it considers that there are issues raised by the prisoner that cannot be resolved without an oral hearing. During the period 2007-08, the Board held 16 oral hearings.

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 on order to protect the public from serious harm.

During 2007-08 Scottish Ministers referred 61 cases to the Board where the behaviour of the licensee was giving cause for concern. The Board recommended that 47 licensees be recalled to custody. In 13 cases the Board recommended that warning letters be sent to the licensees and in 1 cases no action was deemed to be necessary. In addition the Scottish Ministers revoked the licences of 35 individuals.

Of the 82 licensees recalled to custody, 67 had their cases for immediate re-release considered by Tribunals of the Board during 2007-08. The Board directed that 11 be immediately re-released and 56 were not re-released.

Tribunals will be convened in 2008-09 for the remaining 15 cases.

During 2007-08 the Board considered the cases of 66 extended sentence prisoners who were entitled to a further review following recall. These further reviews resulted in 10 of the offenders being released on licence, 55 were not released and one prisoner was released on his sentence end date.

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 2007-08 the Board considered the cases of 40 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. The Board subsequently released 7 of these individuals and 11 were not re-released. In addition, the Scottish Ministers referred to the Board the cases of 12 life prisoners where they had revoked the licences. Seven of them were not re-released, 4 were re-released and 1 received a further prison sentence.

Of the remaining 22 cases referred to the Board as possible grounds for recall, warning letters were issued to 18 licensees, additional licence conditions were added in one case 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 45 life prisoners who had been recalled to custody in previous years. In 16 cases the Tribunals directed re-release on licence and in 29 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 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 being returned to custody the prisoner 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 2007-08 the Board considered the cases of 33 prisoners who had been released on HDC licences and who had subsequently been returned to custody. In 21 cases the Board upheld the prisoner's grounds for appeal and directed the Scottish Ministers to cancel the revocation of the licences and in the other 12 cases the Board refused the appeal.

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 more but 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 at the half-way point 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 2007-08 the Scottish Ministers referred 6 cases to the Board where the behaviour of licensees had given cause for concern. In 5 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 8 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 7 cases the Board agreed not to order that the offenders be immediately re-released and one case was immediately re-released.

Chapter 2 - Board Membership Meetings and Visits

Board Meetings

2007-08 was the 40th year of the operation of the parole system in Scotland. During this period the Board met on 56 occasions to consider the cases of prisoners and licensees referred by the Scottish Ministers. The Board also concluded 264 Life Prisoner Tribunals, 134 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 2007-08 is shown at pages 6 and 7. During this period Sheriff Rita Rae, the Hon Lady Paton, Sheriff James Spy and Mr Douglas Thomson left the Board. During the course of the year Lord Bracadale, Mr Francis Brown, Mr G Keith Carruthers, Mr Andrew Jones, Mrs Josephine Knox, Mr Charles Milne, Professor David O'Donnell, Mrs Moira Ramage and Mr David Stewart 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 Home Detention Curfew, the Integrated Case Management System and revised legislation.

Parole Board Conference

The Board held its fifteenth annual conference on 20th and 21st November 2007 at Kinross. The Conference provides the members with the opportunity to gather to discuss in-depth matters relating to the work of the Board. Presentations were given by the Scottish Government, Social Work Inspection Agency and the Scottish Prison Service. Mr Fergus McNeil, Depute Head of Research, Glasgow School of Social Work delivered a presentation on "Desistance, risk and good lives". Day two of the conference included presentations by Mr Chris Hawkes, Lothian and Borders Community Justice Authority and Superintendent William Manson, Association of Chief Police Officers in Scotland.

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, annual reports from 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.

Prisoners interviewed in 2007-08	783
Target met or exceeded	653 (83%)

Notwithstanding this figure almost all prisoners were interviewed prior to the Board's consideration of the case.

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.

Cases to meetings in 2007-08	894
Target met or exceeded	648 (72%)

Notwithstanding this figure almost all cases were considered prior to the prisoner's date of release.

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.**

This target could not be met as sufficient legal member time was not available.

- (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 25 out of 141 cases (18%).

- (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 2007-08 reveal that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2007-08 for life prisoners and extended sentence prisoners is £932. The average cost of considering a case at a meeting of the Board is £168. The average cost of conducting an interview is £106.

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 Government Criminal Justice Directorate and the Scottish Prison Service for their help throughout the year. In addition, the Board wishes to record its appreciation to its Executive staff for its continuing support and service throughout the year.

Parole Board for Scotland
Saughton House
Edinburgh
October 2008

Appendix A

Time Spent in Custody by Persons First Released from Life Sentences

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	22
2007-08	-	3	2	2	4	5	10	3	15 ¹	44
Total	12	22	61	135	160	103	92	54	200	839²

Note 1 Of these 15 cases, 3 served 14-15 years, 2 served 15-16, 1 served 16-17 years, 1 served 17-18 years, 1 served 18-19 years, 2 served 19 years and 5 served over 20 years.

Note 2 Does not include those recalled to custody and subsequently re-released

Appendix B

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 Scottish Ministers to have knowledge and experience of the supervision or after-care of discharged prisoners; and
 - (d) a person appearing to the Scottish Ministers 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 Scottish Ministers 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 Scottish Ministers.

Reports

6. The Board shall as soon as possible after the end of each year make to the Scottish Ministers a report on the performance of its functions during the year, and the Scottish Ministers 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 2007-08 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. The Board's expenditure during 2007/08 was £1,185,000 made up as follows:

Fees of Members	£425,860
Travel and Subsistence	287,188
Staff Salaries	196,925
Legal Costs	133,643
Advertising Costs	7,112
Other	134,272
Total	£1,185,000

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