

SPSO decision report



Case: 201100494, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: home detention curfew
Outcome: not upheld, no recommendations

Summary

Mr C is a former prisoner. He complained that a prison had inappropriately considered incorrect information before reaching their decision to refuse his application for early release under the Home Detention Curfew (HDC) scheme. This information said that Mr C was previously recalled to custody in 2008 whilst on release under HDC licence. Mr C said this was incorrect because he had agreed to return to custody, rather than having been recalled. The SPS were unable to uncover evidence that supported Mr C's claim that he was not recalled to custody. The evidence that was available showed that Mr C had breached his HDC licence and was, therefore, recalled to custody. Because of this, by law, the SPS were unable to approve Mr C's most recent HDC application.