

SPSO decision report

Case: 201200494, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: home detention curfew
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that he was unreasonably denied the opportunity to apply for early release under the home detention curfew (HDC) scheme because the Scottish Prison Service (SPS) held incorrect information about him. Mr C said that he was incorrectly recalled to custody, but was assured that this would not affect his eligibility for HDC in any future sentence he might serve. However, in serving his current sentence, Mr C said he was told he was not eligible for HDC.

When we investigated Mr C's complaint, the SPS provided information which showed that he was recalled to custody because he was charged with committing an offence whilst on HDC licence. Those charges were dismissed. However, in considering his appeal against the decision to recall him to custody, the Parole Board for Scotland - who were responsible for considering the appeal - dismissed it because Mr C had failed to fully comply with the terms of his release. They noted that, without prejudging the outcome of any court proceedings, Mr C failed to fully comply with his licence conditions as he had failed to answer the phone several times during his curfew. The Parole Board, therefore, decided that Mr C's recall to custody was appropriate. This meant Mr C was no longer eligible for HDC when serving any future sentence.

We did not uphold Mr C's complaint. The evidence available confirmed that whilst the charges against Mr C were dismissed, the Parole Board decided that his recall to custody was appropriate. This meant the information held by the SPS was appropriate.