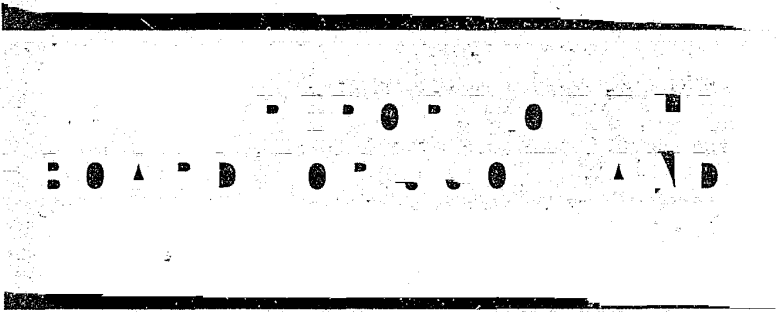


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Parole Board for Scotland -
Report for 1975

*Presented to Parliament by the Secretary of State for Scotland
under Schedule 2, para. 6, Criminal Justice Act, 1967*

*Ordered by The House of Commons to be printed
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Membership of the Parole Board during 1975

D. A. P. BARRY, OBE	<i>Chairman</i> Company Director; former member of the After-Care Council
The Very Rev. Father ANTHONY ROSS	<i>Vice-Chairman</i> Roman Catholic Chaplain, Heriot-Watt University; former member of the After-Care Council; Chairman of the Edinburgh Cyrenian Trust
J. E. BURROW	Divisional Director of Social Work, Strathclyde Region; former member of the Local Review Committee at Perth and Barlinnie Prisons
J. COOPER	Headmaster, St Columba of Iona Secondary School, Glasgow
Dr H. C. FOWLIE	Consultant Psychiatrist; Physician Superintendent, Royal Dundee Liff and Strathmartine Hospitals, Dundee
The Hon. LORD KISSEN (appointed in January 1975)	Senator of the College of Justice
J. MCINTYRE, ISO	Former Governor, Edinburgh Prison; former Inspector of Prisons
Dr H. J. B. MILLER	Consultant Psychiatrist; Physician Superintendent, Ailsa Hospital, Ayr
J. MILNE	Assistant General Secretary, Scottish Trades Union Congress
Mrs J. D. O. MORRIS, MBE	Chairman of the Christian Action Housing Association; former chairman of the Local Review Committee at Barlinnie Prison
Miss P. PARSLOE	Professor of Social Work, University of Aberdeen; editor of the British Journal of Social Work
W. O. PATTULLO (died 1 November 1975)	Sheriff, Glasgow
Sir JAMES ROBERTSON, CBE	Former Chief Constable of the City of Glasgow
D. M. SOTT (appointed in January 1975)	Company Director; former member of the Local Review Committee at Penninghame Prison.
The Rt. Hon. E. G. WILLIS (appointed in January 1975)	Former MP and Minister of State at the Scottish Office

To: The Right Honourable BRUCE MILLAN, MP
Her Majesty's Secretary of State for Scotland

CHAPTER ONE

Board Membership and the Year's work

1. The membership of the Board during 1975 is given on page 4. Three new members were appointed in January which increased the total membership to 15. Two members who resigned in December 1974 were replaced and an additional member was appointed to widen the representation of the Board.

2. It is with regret we record the sudden death on 1 November 1975 of Sheriff W. O. Pattullo. Sheriff Pattullo was appointed to the original membership of the Board in 1967 and had thus completed nearly eight years of service. During this period, he gained not only the warm affection and friendship of his colleagues but also deep respect for his judgement from all those with whom he and the Board came into contact. He set high personal standards but treated others with understanding, humility and humour. Despite personal tragedy he pursued his duties with energy and dedication. We record a personal and corporate sense of loss at his passing and our deep appreciation of his work.

3. The Board in its eighth year of operation met on 23 occasions to consider cases and on one occasion to review its own work and discuss ways in which it might be improved.

4. Annual visits to establishments with local review committees and housing those eligible for consideration for parole were continued during 1975. These visits afford an opportunity for discussions with local review committees of various aspects of the parole system. Following the practice introduced in 1974, separate group meetings were held with staff and inmates. These were most helpful in creating a much better understanding of the Board's work. Visits were also arranged to Polmont Borstal, Rossie Farm List D School, and Edinburgh Police Headquarters.

5. The Board was pleased to welcome to its meeting on 27 May Mr Harry Ewing, MP, Parliamentary Under Secretary of State at the Scottish Office with special responsibility for prison service matters, accompanied by Mr R. P. Fraser, Secretary of the Scottish Home and Health Department. The meeting provided an opportunity for the Minister to observe the Board at work and for matters relating to parole to be raised. The Board emphasised its concern at the lack of pre-release training facilities and an open institution for young offenders.

6. The Board appreciated that the Right Honourable Lord Emslie, Lord Justice General, was able to accept an invitation to a meeting in February when life sentence prisoners' cases were being considered for release on parole. The functions of the Board and the Judiciary were examined in relation to the release of life sentence prisoners and these were viewed as complementary. It was agreed that similar meetings should take place at regular intervals in the future.

7. Throughout the year close contact was maintained with the English Parole Board through an exchange of visits and by attendance at meetings. The Board was especially pleased to welcome Sir Louis Petch, Chairman of the English Board with the Hon. Mr Justice Cusack, Vice Chairman and Mr Gonsalves, Secretary, to its meeting on 21 October. A joint Parole Board conference to be held in 1976 was discussed and there was an exchange of views on procedures and general matters of mutual interest.

8. Following the policy adopted in 1974 of inviting chairmen of local review committees to attend its meetings the Board was pleased to welcome during the year those from Perth and Penninghame Prisons. Invitations to attend were also accepted by Mr J. H. Orr, OBE, Chief Constable of the Lothians and Borders Police and Mr J. J. Gardner, Director of Lothian Regional Social Work Department with his assistant Mr J. T. Middleton. Assistant Governors under training also attended one of the meetings.

9. In April a parole training course was held at the Scottish Prison Service College for prison staff involved in the preparation of cases for parole consideration and in November a similar course was held in conjunction with the Social Work Services Group for local authority social work staff who are also involved with the supervision of parolees. Members of the Board and local review committees contributed to the discussions.

10. As in the past, members of the Board have given talks on the parole system to a variety of audiences including Assistant Governors under training at the Prison Service Staff College, the Police College, Detective Training Courses, Howard League for Penal Reform, Social Work Training Courses and to various university classes. The Board were also represented at the annual conference of the Scottish Association for the Study of Delinquency.

11. The Board would like to express its appreciation of the co-operation it has received from the broadcasting authorities and of the manner in which members of the Press have approached the work of the Board.

12. The Board was encouraged by the statement by the Secretary of State for Scotland on 4 August in which he expressed his opinion that since its introduction in 1968 the parole scheme in Scotland has been a significant success. He pointed out that many prisoners had been given an opportunity to live in the community under the discipline of the parole licence and, despite the difficulties of providing full supervision with the number of social workers available, this had been done without appre-

ciable increase in risk to the public. The Secretary of State indicated his intention to begin consultations with the Board with the aim of examining the possibilities for greater use of parole. The Board looks forward to these discussions.

13. The Board's research sub-committee, under the chairmanship of Professor E. H. McClintock of the Department of Criminology at Edinburgh University, met on a number of occasions throughout the year. It has under active consideration several aspects of research in relation to the work of the Board; in particular, discussions have been held which may lead to the forming of a data-bank about parolees and their parole experience which it is hoped could be used to expand and complement the existing statistical appendices to the Board's Annual Report and to facilitate research. The sub-committee has also considered the priorities which it would wish to see given to topics related to parole and on which it would wish to encourage research by interested external or Departmental agencies.

CHAPTER TWO

A Statistical Analysis

1. Statistical details of cases considered during 1975 and for the previous years are given in Appendix B, Tables 1 and 2.

2. The basic details are as follows:

- (a) *Determinate Sentences*
 - Total number of cases eligible for consideration 756
 - Number not wishing to be considered 113
 - Number recommended by the Board for parole 189
- (b) *Life Sentence and HMP Cases*
 - Number referred to the Board for consideration 16
 - Number recommended for release 16

(a) *Determinate Sentences*

3. The initial consideration for release on parole in all cases, is by the local review committee serving the establishment where the person is located. During the year the eight local review committees considered a total of 643 determinate sentence cases and recommended 219 of these for release. In the subsequent screening of the cases by the Secretary of State, acting through his officials, 15 cases recommended by local review committees were not referred to the Board for consideration but were presented for information. By the same process, 58 of the 424 cases not recommended by local review committees were referred to the Board for consideration of release.

4. The Board therefore considered a total of 262 cases with an additional case where a short term sentence under the Children and Young Persons (Scotland) Act 1937 did not allow time for the case to be processed through the local review committee procedure. Parole was recommended in 189 (71.9%) of the cases considered, 25 of which were not recommended in the initial consideration by the local review committee.

5. Of the 74 cases not recommended by the Board and a total of 50 cases referred for information only, 34 (27.4% of the overall total of 124) were recommended for a further review in less than the 12 months maximum interval laid down by statute.

6. Offenders detained under the provisions of the Children and Young Persons (Scotland) Act 1937, section 57(2), or the Criminal Procedure (Scotland) Act 1975, section 206(2), do not qualify for normal remission of sentence but may be liberated under licence by the Secretary of State if the Parole Boards so recommends. Of the 643 cases considered by local review committees 75 were in this category and all were referred to the Board:

35 for consideration of release and 40 for information only. Release was recommended in 32 cases and 16 others were recommended for an earlier than normal review.

7. The downward trend in the number of persons eligible for parole who are opting out of the consideration process continued throughout 1975. From the following figures it will be seen that it is now the lowest so far achieved in the history of parole in Scotland.

Year	1968	1969	1970	1971	1972	1973	1974	1975
Number eligible	795	655	740	693	775	789	743	756
Number opting out %	173 (21.7)	157 (23.9)	206 (27.8)	234 (33.4)	216 (27.4)	195 (24.7)	125 (16.8)	113 (14.9)

8. During the year a number of parolees were reported for breaches of licence conditions and the Board was obliged to give further consideration to these cases and to make recommendations. There were 32 cases reported of parolees who had been released under section 60(1) of the Criminal Justice Act 1967 (see Appendix, Table 1) and 11 of these were recalled to custody. Written warnings about the possible consequences in the event of any further breach of licence conditions were issued to 13 licencees and decisions were deferred pending the outcome of court action in 2 cases. One of those recalled was re-released after a short period in custody on the recommendation of the Board and 3 cases were reviewed where a recall had taken place in previous years. None of these were recommended for re-release.

9. Additionally the Board considered six reports involving young persons who were originally sentenced under section 57(2) of the Children and Young Persons (Scotland) Act 1937 and released on the Board's recommendation under section 61 of the Criminal Justice Act 1967 (see Appendix, Table 2). Of the 6 cases referred, 3 were recalled to custody to complete their sentences and 3 were issued with warning letters. The court also revoked the licence of a parolee in this category under section 62(8) of the Criminal Justice Act 1967 and the Board recommended re-release after a period in custody.

10. Young offenders serving sentences of 18 months or more, who were under the age of 21 at the time of sentence and who were not recommended for parole are usually released at the two-thirds stage of sentence under section 60(3)(b) of the Criminal Justice Act 1967. Instead of being granted remission on the final one-third of a sentence they are released subject to the conditions of a licence and remain under the supervision of a social worker in the home area. Failure to comply with the licence conditions may result in its revocation and the Board considers all such cases where a breach of the conditions is reported. Of the 33 cases reported during the year (see Appendix, Table 3) 19 were recalled to custody and 12 others were issued with warning letters. Two of those recalled were returned to supervision in the community after a period in custody and one recalled in 1973 was released for a short period at the end of sentence.

(b) *Life Sentence and H.M.P. Cases*

11. During the year the cases of 16 persons serving life imprisonment or detained during Her Majesty's pleasure were referred to the Board for consideration of a provisional parole date. Release dates were recommended for all these cases, to be preceded by periods of up to two years of individually planned rehabilitative training. These normally include periods in the open prison and on outside employment under the Training for Freedom Scheme. The cases of 39 other life sentence prisoners were assessed by the Secretary of State as not suitable for release but were referred to the Board for its information.

12. In 1975, 11 life sentence prisoners and 5 detained during Her Majesty's pleasure were released on licence. From the introduction of the parole scheme in 1968 to December 1975 48 persons in this category have been released on licence. Three of these were returned to custody during 1975 making a total of four since 1968, one of whom had been recalled on more than one occasion.

D. A. P. BARRY, *Chairman*
ANTHONY ROSS
JAS. E. BURROW
JOHN COOPER
HECTOR C. FOWLIE
M. KISSEN
J. MCINTYRE
HARRY B. MILLER
JAMES MILNE
JEAN D. O. MORRIS
PHYLLIDA PARSLÖE
JAS. A. ROBERTSON
D. M. SCOTT
E. G. WILLIS

G. PEARSON, *Secretary*
28 April 1976

PAROLE BOARD FOR SCOTLAND,
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APPENDIX A

The Parole Scheme

1. Parole is a method by which persons serving a sentence of imprisonment or detention may be released, under specified conditions, to serve part of their sentence under supervision in the community.

2. Section 60(1) of the Criminal Justice Act 1967 provides that a person serving a determinate sentence of imprisonment or of detention in a young offenders institution may be released on parole after having completed at least one-third of his sentence or one year, whichever is the longer period. Since with normal remission a prisoner is released after serving two-thirds of his sentence, this means that parole is limited in practice to those serving sentences of more than 18 months. A person released from custody on parole is placed on licence requiring him to comply with certain conditions. To ensure compliance with the conditions of his licence, the parolee is supervised by a local authority social worker from the area where he will reside. The licence remains in force until the date on which, in the case of an adult, he would have been released in any case had parole not been granted (normally the date on which he would have completed two-thirds of his total sentence); and in the case of a person who was under the age of 21 at the time of sentence, until the date on which his total sentence expires. During the period of the licence he is subject to recall to custody for breach of any of its conditions. The procedure may best be illustrated by example: An adult person sentenced to be imprisoned for six years can expect to serve four years provided that behaviour while in prison does not lead to loss of remission. Under the parole scheme he becomes eligible for consideration for parole after having served two years (i.e. one-third of total sentence). If granted parole he would be subject to the conditions of licence for a period of two years (i.e. until the two-thirds stage of his total sentence). A person who was under 21 at the time of sentence, would, if granted parole in similar circumstances, be subject to the conditions of licence for four years (i.e. until the date on which his total sentence expires).

3. A sentence under section 57(2) of the Children and Young Persons (Scotland) Act 1937 as amended by the Social Work (Scotland) Act 1968 provides that where a child is convicted on indictment and the court is of the opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified. (A child is a person under the age of 16 or one over 16 but under 18 who is already the subject of a current supervision requirement made by a children's hearing.) A person so sentenced is liable to be detained in such place and under such conditions as the Secretary of State may direct. The placement of these persons may be outwith the prison service establishments, for example in a List D school (formerly known as approved school). These sentences do not attract automatic remission but in terms of section 61 of the Criminal Justice

Act 1967 the Secretary of State may release on licence a person so detained, if recommended to do so by the Board, at any time during the sentence. These persons are subject to the conditions of the licence until the date of the expiry of the sentence.

4. Because of the nature of their sentence, different considerations apply to the release on licence of persons detained in custody on a sentence of life imprisonment or detention during Her Majesty's pleasure (the equivalent in the case of someone convicted of murder who was under the age of 18 years at the time the offence was committed). Under the provisions of section 61 of the Criminal Justice Act 1967 the Secretary of State may release such an inmate only if recommended to do so by the Board and must consult the Lord Justice General and if he is still available, the judge who presided at the trial. Such persons, when released, are subject to the conditions of their licence for the remainder of their lives.

5. An offender released on licence can have this revoked at any time while it is force and be recalled to custody. This may be done if he fails to comply with the conditions of his licence or if he commits a further offence, and according to the circumstances the revocation can be ordered by the Secretary of State in consultation with the Board, or by the court.

6. Unless the inmate has opted not be considered for early release on parole a first review of his case is put in hand in advance of the date on which he will become eligible for parole. A dossier of information on the case is laid before the appropriate local review committee. (A local review committee is appointed by the Secretary of State for each penal establishment which normally houses parole-eligible inmates and comprises the Governor of the establishment, an officer of a local authority social work department and at least one "independent" member.)

The next step is scrutiny (screening) of the case by the Secretary of State, acting through his officials. The position regarding release on parole is that it requires both a decision on release by the Secretary of State and a recommendation for parole by the Parole Board; from the inception of the Board there has been an understanding (going back to a Parliamentary undertaking in 1967) that only those cases in which the Secretary of State is prepared to contemplate release will be formally referred to the Board, and that, if the Board makes the required recommendation for parole, then (exceptional circumstances apart) the Secretary of State will authorise release. The screening process may identify cases recommended by a local review committee in which the Secretary of State would not be prepared to authorise release. Such cases are not formally referred to the Parole Board, but go to the Board for information only, though if the view of the Board is that any such persons might be released, the case will be re-considered by the Secretary of State. The screen may also bring out, in the case of persons not recommended by the local review committee, that they are better prospects than appeared at first; and such cases may be formally referred to the Board for a recommendation on release. Special arrangements for screening apply in the case of persons convicted of offences involving sex or violence.

7. In the process of selection each case is decided on its merits and in the light of all the information contained in the dossier. This records the inmate's social and criminal history before his current sentence, his conduct and response during any previous periods under supervision in the community; his work record and domestic background; the circumstances of his current offence including consideration of any co-accused and observations which may have been made by the sentencing judge; his response to treatment and training in prison during his current sentence and information about his domestic and employment situation on release.

8. The conditions of licence stipulate that the licensee shall report on release to the officer in charge of the social work department in the area where he will be resident and shall place himself under the supervision of whichever officer is nominated for this purpose and keep in touch with that officer in accordance with his instructions. He shall inform his supervising officer if he changes his place of residence or changes or loses his job and he shall be of good behaviour and lead an industrious life. Additional conditions are occasionally made in some cases where, for example, a condition of residence at a particular address may be imposed.

APPENDIX B

ANALYSIS OF REFERRALS TO AND RECOMMENDATIONS BY THE PAROLE BOARD FOR SCOTLAND DURING THE PERIOD 1.1.68 TO 31.12.75

Table 1—Fixed Term Sentences

	1968	1969	1970	1971	1972	1973	1974	1975
Total eligible cases	795	655	740	693	775	789	743	756
Prisoners not wishing to be considered	173	157	206	234	216	195	125	113
Cases recommended by local review committees	126	133	150	169	209	225	224	219
Cases not recommended by local review committees	496	365	384	290	350	369	394	424
Total cases considered	622	498	534	459	559	594	618	643
Cases recommended by local review committees and referred to the Parole Board	99	129	147	164	207	212	221	219
†Cases not recommended by local review committees but referred to the Parole Board	24	41	67	74	56	65	112	93
‡Total cases referred to the Parole Board	123	170	214	238	263	277+4*	333+3*	312+1*
†Cases not recommended by the Parole Board	55	39	48	63	99	95+2*	110+3*	89+1*
Cases not recommended but early review requested	13	26	29	37	25	16	23	34
‡Total cases not recommended by the Parole Board	68	65	77	100	124	111+2*	133+3*	123+1*
Cases recommended for parole by the Parole Board:								
—recommended initially by local review committees	†	†	109	116	133	150	176	164
—not recommended initially by local review committees	†	†	28	22	6	16	24	25
Total cases recommended for parole by the Parole Board	55	105	137	138	139	166+2*	200	189
Percentage recommendations by the Parole Board:								
—of total cases referred	44.7	61.7	46	58	52.8	59.5	58.9	60.5
—of total eligible cases	6.9	16	18.5	19.9	17.9	21.2	26.9	25

†Figures not available

*Short term C & YP cases for which there was insufficient time to refer to a local review committee

‡This figure includes those referred to the Board for information only.

Table 2—Life and HMP Sentences

	1968	1969	1970	1971	1972	1973	1974	1975
Cases referred to the Parole Board for consideration of release	4	8	3	6	15	20	20	16
Cases not recommended	1	1	—	—	2	3	1	—
Cases not recommended but early review requested	—	—	—	1	—	1	—	—
Cases recommended for release	3	7	3	5	13	16	19	16
Cases referred to the Parole Board for information only	—	1	10	12	19	15	25	39

APPENDIX C

CASES REFERRED TO THE PAROLE BOARD AS A RESULT OF BREACHES OF LICENCE CONDITIONS DURING THE PERIOD 1.1.68 TO 31.12.75

Table 1—Persons released on parole before two-thirds stage of sentence (Criminal Justice Act 1967, section 60(1)).

Year	Total Cases Referred	No. Recalled	Warning letters issued	Other disposals
1968	—	—	—	—
1969	—	—	—	—
1970	5	4	—	1
1971	14	7	7	—
1972	12	8	2	2
1973	7	3	2	2
1974	19	8	9	2
1975	32	11	13	8*
Totals	89	41	33	15

*includes two cases where the decision was deferred whilst awaiting the result of a trial.

Table 2—Persons sentenced under section 206 (2) of the Criminal Procedure (Scotland) Act 1975 or section 57(2) of the Children and Young Persons (Scotland) Act 1937 and released under section 61, Criminal Justice Act 1967.

Year	Total Cases Referred	No. Recalled	Warning letters issued	Other disposals
1968	—	—	—	—
1969	4	4	—	—
1970	1	1	—	—
1971	—	—	—	—
1972	3	2	1	—
1973	5	1	3	1
1974	8	5	2	1
1975	6	3	3	—
Totals	27	16	9	2

Table 3—Young Offenders released on licence at two-thirds of sentence (Criminal Justice Act 1967, section 60(3)(b)).

Year	Total Cases Referred	No. Recalled	Warning letters issued	Other disposals
1968	3	3	—	—
1969	25	19	—	6
1970	11	10	—	1
1971	17	14	—	3
1972	34	31	3	—
1973	25	16	8	1
1974	25	17	4	4
1975	33	19	12	2
Totals	173	129	27	17

END