

## Your Questions Answered

Q. Is early release on Home Detention Curfew a right?

A. No. Early release on HDC is not a right. It is privilege that you earn and may apply for. There is no guarantee that you will get early release even if you have a Low Supervision level.

Q. Can I be automatically excluded?

A. Yes. If you are:

- required to register as sex offender
- subject to an Extended Sentence
- subject to a Supervised Release Order
- are subject to a Hospital Direction (including Transfer for Treatment);
- awaiting deportation
- if you have previously been recalled to prison having been released on licence

Q. May I apply later if I get a Low Supervision level?

A. Yes. You may complete the application after a PSS review grants you a Low Supervision level.

Q. What sort of things affect my application?

A. If you have:

- a history of sex offending
- a conviction for a Schedule 1 offence
- a conviction with an element of domestic violence
- a history of not following bail conditions, failing to appear at court or failing to comply with restriction orders
- failed to participate in core screening, programmes and the like
- been in the Orderly Room frequently
- had positive MDT tests

Q. How is my address assessed?

A. A community Assessment is requested by the prison. This checks out what you have said in your application: whether the building is suitable, how many rooms, who lives at the address, if it can take the tag equipment, are there any relationship/victim issues, your responsibilities and so on.

Q. What is the bottom line for a decision?

A. One of the Governors makes the decision based on

- Protecting the public
- Preventing re-offending
- Securing successful re-integration into the community

Q. May I appeal against the decision?

A. Yes. You may complete a CP1 form giving your reasons why you think that should get the privilege of early release on HDC.

## INFORMATION for Young Offenders, Visitors and Staff

# HDC

## HM YOI POLMONT

**This leaflet explains about  
Home Detention Curfew  
(HDC)**

# EARLY RELEASE ON HOME DETENTION CURFEW (HDC)

1. *The Management of Offenders etc (Scotland) Act* (MoO Act), passed by the Scottish Parliament, is intended to make improvements in offender management.
2. Among several key areas for improvement, the MoO Act contains a significant amendment to the *Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)*, regarding the early release of prisoners, in that it gives Ministers increased powers. These powers are exercised by the Scottish Prison Service on Ministers' behalf.
3. As part of the Act, Polmont is able to release selected prisoners on Home Detention Curfew (HDC) licence before they have served half their sentence (many of these prisoners may be released having served one-quarter of their sentence). The licence includes a range of standard conditions and a curfew condition that requires prisoners to remain at a particular place for a set period each day. Other

conditions can also be included in the licence on a case by case basis. Prisoners who fail to comply with the curfew or other licence conditions are likely to be recalled to custody.

4. The decision to release any prisoner on the HDC scheme must be taken having regard to considerations of:
  - protecting the public at large;
  - preventing re-offending by the offender; and
  - securing the successful re-integration of the prisoner into the community.
5. Polmont must therefore identify prisoners who present a low risk of (re)offending if released. To help identify which prisoners are most suitable, an assessment process has been developed.
6. The Law says which prisoners should be considered. In general, only short-term prisoners sentenced to three months or more can be considered.
7. Legislation states that every prisoner must serve a minimum of one quarter or four weeks (whichever is greater) of his sentence in custody. The minimum

time available on HDC is, therefore, 14 days. The maximum limit has been set at 135 days.

8. Polmont should assess all prisoners sentenced to more than three months (up to four years) who qualify
9. The process is outlined in the Questions and Answers section of this notice.
10. Please remember that early release on HDC is not a right. It is a privilege that is earned and can be affected by a large number of factors that we have looked at.
11. This short summary does not go into the details or cover every possible factor.
12. It is important that you understand that HDC:
  - Is a privilege
  - Is subject to Legal constraints
  - Applies only to some prisoners
  - Has a selection process
  - Has an appeal process
  - Behaviour in prison is important
  - Participating in activity is important

