



Victim Support Scotland

1. Victim Support Scotland (VSS) is the largest charity supporting people affected by crime across Scotland through the provision of practical help, emotional support and essential information. Our services aim to lessen the impact of crime upon individuals and communities and keep victims and witnesses at the heart of justice in Scotland and as such we welcome the opportunity to respond to The Scottish Government's Management of Offenders (Scotland) Bill.
2. As an organisation we are encouraged that there is a strong emphasis on robust community sentences which focus on addressing the underlying causes of offending behaviour. We hope this will lead to the prevention and reduction of further offending and in doing so have the effect of reducing the number of victims of crime¹.
3. As VSS has stated previously, we acknowledge that electronic monitoring technologies has the potential to enhance the protection and security of victims of crime by increasing the options available to manage and monitor offenders in the community². However, the protection for victims must be at the forefront of the implementation of legislation around these new technologies.
4. Section 1(5) of the Bill provides that the offender must be warned of the consequences of not fulfilling section 12 obligations (obeying instructions given by the designated person, or how a device is to be allocated or worn, undue tampering or intentional damage caused³). It is important to keep the language and responses robust on this issue in order to protect victims and to

¹ Management of Offenders (Scotland) Bill (Explanatory Notes), Page 1 (s.5).

² Management of Offenders (Scotland) Bill (Explanatory Notes), Page 2 (s.8).

³ Section 12 of the Management of Offenders (Scotland) Bill (page 7).

enhance public confidence in the new technologies and the criminal justice system.

5. We agree with Section 2 (2) of the Bill that a court may vary or revoke an electronic monitoring requirement when the related disposal is being varied or revoked⁴.
6. We are content that Section 3 should contain a list of disposals in relation to which a court may additionally require an offender to be subject to electronic monitoring.
7. VSS is satisfied in relation to Section 6 (1) that if a recommendation of the Parole Board for Scotland is necessary before particular conditions in Section 7 (1) can be imposed on an offender, then a recommendation from the Parole Board for Scotland is also necessary before an electronic requirement can be made in relation to that condition⁵.
8. VSS acknowledges the role of alcohol in the lives of many offenders which contributes to a significant number of crimes. Therefore, we are supportive of the inclusion at Section 8 (2) of the use of devices to monitor whether they have consumed, taken, or ingested alcohol, drugs or other substances and we are encouraged that the Scottish Government is keen⁶ on the use of Trans-Dermal Alcohol Monitoring Technology and its potential to aid in addressing an offender's alcohol dependency, and as a result, reduce offending.
9. We accept that Electronic Monitoring technology has the potential to reduce further offending when utilised alongside other supportive methods, encouraging rehabilitation and reintegration in the community while offering successful alternatives to custodial sentences.

⁴ Section 2 (2) of the Management of Offenders (Scotland) Bill (page 2).

⁵ Section 6 of the Management of Offenders (Scotland) Bill (page 3).

⁶ Section 85 of The Policy Memorandum on The Management of Offenders (Scotland) Bill (page 13).

10. Public safety and the risk to victims should be the most important factors in determining suitability for Electronic Monitoring, the intensity of use, and the type of system used. We are encouraged that the technology is to be used in a goal-oriented and person-centred way, tailored to achieve specific outcomes, including the protection of victims of crime, so that it is proportionate to the offence itself and relative to whether the individual concerned is low risk or high risk. The approach used for higher risk individuals is most important, given the potential impact on victim safety and public protection. We are satisfied therefore that Section 11 (1) provides where an electronic monitoring requirement is made under Section 1 (1), the court must designate a person responsible for monitoring the offender and notify the offender of that designation and provide a list of information which the court must send to the designated person⁷. Section 11 (4) states that if the designated person can no longer discharge their responsibility to monitor the offender, the court or the Scottish Ministers must designate a replacement. It would not be satisfactory for there to be undue delay during this transition so designated hand over must take place in a timely manner and this should be advised to all those involved in the process. To assure victims of their safety, we need to know there will be no gaps in designated person provision.

11. We believe Section 12 (2) is important as it requires the offender to obey the instructions given by the designated person on how the approved device must be worn or used by the offender for the purposes set out in Section (1) (4) or (5) (4)⁸.

12. We acknowledge that GPS technology offers new opportunities to give greater consideration and benefits to victims of crime. This has the potential to give the victim a sense of security by limiting the movement of the offender and creating safe spaces for victims.

⁷ Section 11 of The Management of Offenders (Scotland) Bill (page 5).

⁸ Section 1 of The Management of Offenders (Scotland) Bill (page 1).

13. We believe systems that combine retrospective tracking with a switch to real time tracking if an exclusion zone perimeter or buffer zone is breached is a way to improve the actual and perceived safety of victims.
14. In the implementation of GPS monitoring, VSS would like to see concern maintained relating to the safeguarding of victims and an understanding of the impact crime has on victims remaining central to debates on the legislation.
15. We support the person centred approach and the move away from a punitive use of Electronic Monitoring and are hopeful that this type of support will assist offenders in their rehabilitation and reduce the number of victims of crime in the future.
16. VSS has been an integral part of the Scottish Government Electronic Monitoring Working Group, which agreed that GPS technology should be versatile and decisions on its use should be made as part of an individually tailored system - rather than a 'one size fits all' approach. We have routinely emphasised that the protection of victims, their rights and interests, and maintenance of public safety, should be the critical consideration of community justice. An individualised approach to risk assessment is incredibly important as the safest way to approach this technology, in order to protect victims and enhance the security of the community.
17. For Electronic Monitoring to be effective there should be clear implications for infringement of a buffer zone. This is necessary to sustain compliance among offenders and crucially, to maintain the trust of victims and the community, who must be assured of the effectiveness of the technology, and in turn their faith in the justice system enhanced. We are encouraged that Section 17A (1) (a) of the 1993 Act enables Scottish Ministers to revoke the licence and recall the offender to prison where the offender has breached their licence conditions. We acknowledge that rehabilitation and community involvement reduces crime, leading to fewer victims in society. However, there must always be an avenue to recall those who breach their licence conditions as a

measure to keep victims safe and also to enhance public confidence in varied use of Electronic Monitoring⁹ in the management of offenders.

18. There are instances where considering the context of the breach; it may be adequate to simply work more closely with the monitored person in order to support them with compliance. Such an approach would need to take cognisance of the nature of the violation, if we are to safeguard victims at all times.
19. As Sexual Offences Prevention Orders (SOPO) are intended to control the behaviours of those convicted of a sexual offence, Electronic Monitoring has potential to aid the chances that an offender complies with the SOPO. However, for this to work we expect rigorous risk assessments to be carried out, particularly if an offender is deemed to be high risk. Electronic Monitoring will need to be tailored to the individual, whilst giving the utmost consideration to the impact on victims when an offender is returned to the community.
20. Many victims are concerned that Electronic Monitoring measures do not offer the same level of control for victims that custodial sentences can offer. This anxiety may be due to unfamiliarity with the kinds of control available via new technologies and for some it may be that a custodial sentence is the only sentence that will offer a victim the security that they are no longer at risk from the offender. Thus, we would encourage the Bill process to be as transparent as possible and any newly enacted legislation should be accompanied by easy to understand reasons and benefits of any changes. This could involve further consultative exercises and/or collaboration with victims' organisations.
21. The management of offenders via Electronic Monitoring technology has the potential to enhance the protection and security of victims of crime. The technology also has the capacity to reduce further offending when utilised alongside other supportive methods which will encourage rehabilitation and

⁹ Section 54 of The Policy Memorandum on The Management of Offenders (Scotland) Bill (page 7).

reintegration in the community and offer successful alternatives to custodial sentences.

22. VSS will embrace the implementation of these new technologies within the criminal justice system so long as the Scottish Government's vision of justice for victims remains central to the legislation.

ENDS