

Faculty of Advocates calls for victim statements at parole hearings

The voices of victims and their families should be heard at prisoners' parole hearings, but only to a limited extent, the Faculty of Advocates has suggested.

A "victim personal statement" could be part of a dossier for consideration by the Parole Board for Scotland, although the role of victims and families ought to be restricted, the Faculty said.

In response to a consultation by The Scottish Government, **Transforming Parole in Scotland**, the Faculty emphasised: "The primary function of Parole Board decision making is assessment of risk, and that should remain central in consideration of any reform."

In relation to possible attendance by victims or others at hearings, the Faculty observed: "As a matter of principle it is perhaps difficult to see what would be gained by wider attendance at hearings. The purpose of such hearings is the assessment and management of risk. It is difficult to see how this task would be improved by the greater involvement of others...The presence in the same room of the perpetrator of an offence and the victim or victims has the potential to produce conflict, and that is in the interests of no-one."

The Cabinet Secretary for Justice, Humza Yousaf, says in the consultation that it focuses on strengthening the voice of victims in the parole process, and that he wants to make sure the process is as open and transparent as possible.

The Faculty said: “In our opinion, victims and their families who have opted in to Part 2 of the Victim Notification Scheme should be given the opportunity prior to each parole hearing to submit a written Victim Personal Statement to the Parole Board for their consideration.

“This could include an option to ask the Parole Board to consider adding certain conditions to the prisoner’s licence if they are released, such as imposing an exclusion zone or prohibiting contact with certain individuals directly affected by the original offence.”



Reception at Faculty of Advocates

RANGE OF VIEWS

The Faculty recognised there was a range of views – even among its members who drafted the Response – on whether victims and families should be entitled to attend parole hearings. But if attendance were allowed, it should be restricted to reading out the Victim Personal Statement at the beginning.

“We do not consider it appropriate that victims or their families are present throughout the remainder of the hearing. This is to allow the prisoner the best opportunity to provide open and honest answers to the Parole Board...We are agreed that any more extensive in-person participation would be problematic given the range of matters the Parole Board quite properly requires to balance in its overall assessment.”

Also, opinions varied on how open Parole Board proceedings should be, and the amount of detail given in publicity about

decisions.

The Faculty noted that greater openness might not be welcomed by all victims.

“At the moment, if victims do not wish to hear about their original case it is relatively easy for them to avoid doing so. With a few exceptions, cases attract media attention for the time that they are in court and then fade from the public eye. Publicising parole decisions might well result in renewed attention for the original offences. For victims who wish to try to put the offence behind them, this may not be desirable,” said a spokesperson for the Faculty.

Read the Faculty’s response here :




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