

# **Criminal Justice Committee**

## **Automatic early release of prisoners and prosecution policy on public safety and prison population**

### **Written submission by the Scottish Prison Service, November 2024**

Further to your email of 16 October, thank you for the opportunity to provide comment on recent announcements outlining measures to reduce the prison population.

As you are aware, the Scottish Prison Service is facing sustained pressure as a result of the rising prison population. The prison population has risen by around 14% since the start of 2023 and recent forecasting by Scottish Government indicates that if the population follows current trends, the average daily prison population could increase up to 9,250 by January 2025. The emergency early release arrangements over June and July gave us a welcome reduction to 7827 in July however this relief was short-lived, and we have seen an upward trend back to an overall population of over 8000. As of 31 October, the population is 8262.

The rising prison population remains our most critical operational and strategic challenge. The increased complexity of those we care for, and our increased numbers make it challenging for our staff and partners to provide the quality rehabilitative work which our justice system relies on, and which supports individuals in our care to reduce their risk of reoffending when returning to their communities and contribute to a safer Scotland.

The range of competing and complex demands caused by a population that is now made up of higher numbers of Serious and Organised Crime Groups, people with increased social care needs, and changing risk profiles, has marginalised meaningful work and opportunities to build relationships, and the sustained high prison population exacerbates these complexities by bringing additional and significant operational challenges such as diminishing capacity to meet basic needs and persistent pressure on ageing infrastructure.

We welcome measures announced in both the Cabinet Secretary for Justice and Home Affairs' and the Lord Advocate's Statement. We are supportive of measures that aim to bring a reduction in population numbers which we believe are necessary to maintain the safety and well-being of those in our care and our staff. In particular, any measures which bring a sustained reduction in use of remand would be a positive development.

It is worth noting that the reality for many people on remand is that they often appear with multiple vulnerabilities and complex needs and having such a high proportion of the population on remand (26%) is one of the fundamental reasons that the prison population is so complex and challenging. This reality can further displace other population groups around the estate and again impacting on rehabilitative opportunities.

Members will recognise, that as an Executive Agency of Government, we do not respond formally to Scottish Government consultations but work with Scottish Government officials as required on the operational implications and impacts of proposals set out within them.

We are supportive in principle of the proposals set out in the consultation launched in July to bring forward the release point for some long-term prisoners which make up approximately 39% of the prison population. We welcomed the proposal as a measure to better prepare those on long-term sentences to re-engage successfully in their communities and note that it would provide a sustainable reduction in the prison population. We recognise further work is

required on this issue most notably regarding post release supervision and we will work with Scottish Government and key stakeholders on its future consideration.

In addition, we are currently working in close collaboration on the operational implications of the proposals set out by the Cabinet Secretary's Statement to change the point at which some people serving short-term custodial sentences are released from prison. The proposal requires those eligible to be released after they have served 40% of their sentence in prison and we are working with Scottish Government officials on the development of the legislation referred to in the Cabinet Secretary's Statement.

I trust this background information is helpful.