

# Criminal Justice Committee

**1st Meeting, 2022 (Session 6), Wednesday  
12 January 2022**

## **Prisons and Young Offenders Institutions (Scotland) Amendment Rules (SSI 2021/446)**

### **Note by the clerk**

#### **Introduction**

1. The Committee will be considering the [Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules](#) (SSI 2021/446) at its meeting today, taking evidence from the Cabinet Secretary for Justice, his officials and officials from the Scottish Prison Service.
2. The instrument amends the Prisons and Young Offenders Institutions (Scotland) Rules 2011. It was laid before the Parliament on 30 November and came into force on 13 December 2021.
3. The SSI sets out new powers, which will allow the Scottish Prison Service to routinely photocopy prisoner mail.

#### **Correspondence received**

4. The Committee has received a number of letters regarding the SSI:
  - Letter from the SPS to the Presiding Officer when the SSI was laid;
  - Copy of a letter from the Convener of the Delegated Powers and Law Reform Committee to the Scottish Government;
  - Letter to the Delegated Powers and Law Reform Committee from the Scottish Centre for Crime and Justice Research (SCCJR), including an open letter from the SCCJR
  - Letter from Families Outside
5. Copies of the letters are set out in the **Annex** to this paper.

**Clerks to the Committee  
January 2022**

**Letter from the SPS to the Presiding Officer**

30 November 2021

Presiding Officer,

The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2021

The above instrument was made by the Scottish Ministers under section 39 of the Prisons (Scotland) Act 1989 on 30 November 2021. It is being laid before the Scottish Parliament today and is to come into force on 13 December 2021. The amendments have been designed to mitigate against the risks of illicit substances, particularly Psychoactive Substances (PS), being introduced via the prisoner mail system and thus reduce the risk of such substances causing harm to those in the care of Scottish Prison Service (SPS) and those working in or visiting our prisons.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with section 31(3) of that Act, this letter explains why.

Drug misuse in Scottish Prisons has evolved over the last few years, shifting from well-known and readily identifiable controlled substances such as heroin, cocaine, cannabis and prescribed medication(s) to PS including synthetic cannabinoids. Synthetic cannabinoids are very potent drugs which can be soaked into paper at low concentrations but still have a significant psychoactive effect. Easy access to PS within the community, the low cost and the ability to introduce these relatively easily and with minimal risk into the prison system in large quantities has resulted in the use of PS becoming the preferred drug of choice in prisons. The most common method of introducing this substance into prisons is to spray the substance onto sheets of paper which are then posted in via the prisoner mail system.

Over the course of the 12-month period August 2020 – July 2021 there have been 9 deaths in SPS custody linked to suspected drug overdoses. Recent information indicates that the number of emergency escorts to hospital which were drug related and incidents of prisoners being found suspected to be under the influence of drugs has escalated and shows little sign of abating.

There is no way of directly evidencing that the deaths in custody, emergency escorts, the incidences of prisoners being found under the influence of drugs, are as a direct result of substances that have been introduced exclusively via the prisoner mail system. However, given the high number of positive mail indications and the intelligence suggesting that this is the most commonly used method, SPS have assessed that there is a high probability that the substances used in these instances have been introduced via this method.

Given this escalation, I consider it necessary for the instrument to be made and laid urgently and for it to come into force on 13 December 2021.

I understand that in normal circumstances, negative Scottish Statutory Instruments (SSI) require to be laid before the Parliament for at least 28 days (not counting recess periods) before they come into force (the 28-day rule). However, I am concerned that as the festive period approaches and the volume of mail increases, SPS will experience an even higher escalation in the volume of PS being sent into prisons via general correspondence to prisoners. I therefore consider it necessary we take action quickly and before mid-January, which is when the SSI would come into force if laid before parliament in accordance with the 28-day rule, to mitigate against the harm that may be caused by further increases in the volumes of PS entering prisons and to ensure the health and safety of staff and those in our care, and the safe and stable operation of our prisons.

My reasons for requesting that the SSI comes into force on 13 December 2021 is twofold; (1) I recognise these changes to the Prisons and Young Offenders Institutions (Scotland) Rules 2011, interferes with Article 8 rights (the right to respect for private and family life, home and correspondence) of prisoners. Therefore, given the serious nature of the amendments, I consider that it is important to give some time for Parliament to be aware of this and at least some time to scrutinise the proposals prior to their implementation; and (2) SPS needs time to finalise preparations for the implementation of the changes to make sure that our systems are tested and operational to ensure that prisoners will receive copies of their correspondence timeously and thus minimise disruption. Further, to mitigate against the possibility of unrest in the prison estate if access to the original copies of mail is removed with no notice, we need time to inform those in our care of the changes.

In view of all of the above, I consider a mid-December coming into force date strikes the right balance of protecting those in SPS' care and staff from further PS entering the estate, but also ensures Parliament is given some time to scrutinise the amendment given the Parliamentary interest in this issue.

TERESA MEDHURST  
Chief Executive (Interim), SPS

**CJ/S6/22/1/1**

**Copy of a letter from the Convener of the Delegated Powers and Law Reform Committee to the Scottish Government**

20 December 2021

Dear Keith and Angela

At its meeting on Tuesday 14 December, the Delegated Powers and Law Reform (DPLR) Committee considered the [Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules \(SSI 2021/446\)](#). As you will know, the instrument amends the Prisons and Young Offenders Institutions (Scotland) Rules 2011. It was laid before the Parliament on 30 November and came into force on 13 December 2021 and so failed to comply with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. This requires that at least 28 days should elapse between the laying of an instrument which is subject to the negative procedure and the coming into force of that instrument.

As you may have seen from the [Committee's report on the instrument](#), the Committee agreed to draw the SSI to the attention of the Parliament under reporting ground (j) for failure to lay it in accordance with laying requirements under the 2010 Act. The Committee was also not content with the Scottish Government's explanation of the breach of laying requirements.

Shortly before its consideration of the Amendment Rules, the Committee received a letter from Sarah Armstrong, Director of the Scottish Centre for Crime and Justice Research (SCCJR), as well as an open letter from a range of academics. I have included both of these in the annex.

During the Committee's discussion on the SSI and the correspondence from the SCCJR and academics, it was highlighted that the correspondence from the SCCJR and academics underlines why the parliamentary scrutiny of such changes, which have been made at short notice, is important and why the 28-day rule is in place. As one Member put it: "For such legislation to have public confidence, the public expect us to have had due time for consultation and that all-important scrutiny."

Full details of the Committee's discussion on the instrument can be found in the [Official Report of the meeting](#).

I would be grateful for a response to the Committee's concerns about the speed that this instrument was brought into force by **Friday 21 January 2022**.

Yours sincerely

Stuart McMillan MSP  
Convener of the Delegated Powers and Law Reform Committee

**Letter to the Delegated Powers and Law Reform Committee from the Scottish Centre for Crime and Justice Research**

**Re: SSI - The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2021 (SSI 2021: 446)**

I write to you regarding the secondary legislation effective as of 13 December 2021, conferring broad power on the Scottish Prison Service to photocopy prisoner mail. I understand you will be considering this legislation in your meeting Tuesday.

I hope the Committee will take account of a letter of objection signed by numerous experts in substance abuse, public health, prison conditions and detention harms. In this letter, I attempt to specify and elaborate, given the Committee's remit, the rights concerns raised in that document.

The powers granted, and restriction of Article 8 rights, through the SSI are:

- **Not proportionate:** The new powers grant broad rights of interfering with prisoner correspondence primarily as a strategy of interfering with drugs supply in prison. Not only has there been insufficient scrutiny of the effectiveness of this approach (see next), there has been lack of attention to the impact on families and relationships, a crucial cornerstone in the wellbeing of imprisoned people, to assess the costs of the restriction and therefore its overall proportionality. Moreover, international human rights frameworks, which inform the ECHR, make clear that prisoner rights may only be infringed where they are 'demonstrably necessitated by the fact of incarceration'. In this case, the claimed necessity has been established by one body, that is neither expert in crime prevention operations nor drug strategy.
- **Not effective:** The aim of the new rule is, ultimately, to reduce drug use, overdose and death. However, even assuming successful interception of drug laced post, the majority of non-natural deaths in prison are due to suicide (mainly by hanging) and prescribed drugs. No drug death in 2020 or 2019 was listed as solely due to NPS; only two drug deaths mentioned NPS, always in combination with multiple prescribed substances.<sup>1</sup> A number of recent and highly publicised incidents involving NPS overdoses has overshadowed higher rates of death from other, preventable causes. Why have not these been the subject of emergency legislation? Moreover, study after study has documented the failure of supply focused drug strategies. On the other hand, demand focused strategies and harm reduction strategies have demonstrated stronger evidence of success. Extending the power of the state with poor evidence that these powers will be effective further renders the rights infringement disproportionate.
- **Not consistent with evidence and Government policy on a public health approach to drug use in Scotland.** The nation's world beating rate of drug deaths has been responded to by creation of task forces and a commitment to a public health approach. The powers of copying post are not consistent with this, and do not come with any comparable strategy of managing the drivers of drug use in prison. Evidence about the current state of mental health in prison addressing causes of drug use is readily available, not least from a team I led who completed a rapid research study gathering information from every prison in Scotland during the pandemic. We have reported some of these results, and

will be publishing within the next month detailed evidence of the state of wellbeing in prisons.<sup>2</sup> With other colleagues, we will also be publishing the most extensive literature review on drug use, interventions and support needs in prison in the next month.

- **Creating significant risk of abuse of power:** The extensive and permanent powers created can now be exercised, under rules allowing restriction of rights for maintaining good order or security, over a broad and unspecified range of issues beyond management of drug supply. The recent report of the Independent Review of the Response to Deaths in Prison Custody noted the great difficulty in obtaining SPS records and access to officers to carry out its work.<sup>3</sup> The authors noted SPS resistance to transparency and accountability in relation to its own conduct in cases of deaths in custody was raised as a significant concern. This suggests that monitoring and regulating use of the new powers will be challenging. The difficulty of ensuring oversight of this power ought to be considered in assessing the proportionality of the new rule. Moreover, the claim of prison authorities of a problem and of the best way to address it should not be taken as self-evident. Numerous experts and civil society organisations are able and ready to provide rapid responses to assess powers such as these.

Seeking to prevent the tragedy of drug overdoses in prison should not come at the cost of granting carte blanche to penal authorities. This is a rule that has as much chance of worsening the current situation in prisons as ameliorating it, establishing a permanent power to interfere with correspondence and relationships of imprisoned people and their loved ones.

Sarah Armstrong  
Professor of Criminology  
Director of the Scottish Centre for Crime and Justice Research  
13 December 2021

***Open Letter expressing concern and objection to new powers to photocopy all prisoner mail***

13 December 2021

**To Convenors and Members of the Criminal Justice Committee, Members of the Delegated Powers and Law Reform (DPLR) Committee, and all Members of the Scottish Parliament –**

New powers, which will allow the Scottish Prison Service to [routinely photocopy prisoner mail](#), will come into effect on 13 December 2021, having been fast-tracked without consultation (i.e. (the Scottish Statutory Instrument (SSI): the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2021 (SSI 2021: 446)).

This raises significant concerns on the grounds of human rights, human decency, resource efficiency and consistency with Scottish Government policy in relation to trauma informed practice, family support, whole systems approaches, a [public health approach to drug use](#), harm reduction principles and evidence-based policy. The [Policy Note](#) accompanying the law (SSI 2021: 446) offers no specific evidence that prisoner mail is the primary cause of drug overdoses in prison. No verified details are offered. It is admitted there is no specific evidence to support the legislation, claiming that *'there is no way of directly evidencing that the deaths in custody are as a direct result of substances that have been introduced exclusively via the prisoner mail system'*. This is not correct. There are multiple methods of gathering factual information including via independent research with prisoners and staff, sample testing of letters, speaking with health professionals working with prisoners and more. That none of this has been undertaken prior to proposing legislation that has significant human rights and other implications is unwise, and in violation of human rights commitments in Scotland.

For example, we know **according to the SPS's own published data that the majority of drug deaths in prison are due to prescribed substances, and not the new psychoactive substances that this law targets.**

The fact that the SPS's own determination of a need for this amendment to the Prison Rules is not being supplemented by independent views is deeply problematic.

Significantly, the **lack of any consultation, formal or informal, with organisations with relevant expertise and independence such as human rights bodies and monitors, prison reform organisations, health organisations, substance misuse experts** and more is deeply concerning.

Among the issues of concern about broad powers the legislation confers are:

- Lack of specific and verified evidence of the problem it claims to address
- Violation of rights to privacy
- Violation of rights to family life
- Violation of right to correspondence
- Violation of right against excessive punishment and torture
- Potential violation of right to freedom of expression
- Potential violation of right against punishment without law

- No consideration of how this law will impact family relationships and personal wellbeing of those in prison
- No details on how the law will be implemented and its use monitored or regulated
- No information on resource implications of this legislation in staff time and copy equipment

It is unacceptable that this law is drafted with the recognition that '*prohibiting prisoners from receiving general correspondence interferes with Article 8 rights*' (Policy Note) but nevertheless argues these are acceptable based only on consultation of those in SPS and a small circle of people in Scottish Government.

The sharp rise in deaths in prison during the pandemic is indeed a cause for concern. However, a review of drug deaths in 2020 and 2021 shows the majority of these deaths are from substances prescribed within prisons and not new psychoactive substances.

**There is currently a mental health crisis in prison, as the sharp rise in prison suicides in 2021 shows.** Research conducted by University of Glasgow has documented [intensifying levels of distress within prisons due to pandemic restrictions](#).

Specifically, **lack of mental health support, family contact and meaningful opportunities of recreation and association were cited as causes for this.** The proposed law purports to address a symptom of pandemic lockdown in prison – increased drug use – by further intruding on imprisoned people's vital connections to those on the outside. It will do nothing to address this underlying crisis.

What is known is that post is just one of many entry routes for drugs into prison, with [other well-known routes](#) including people entering prison for different reasons, not least prison officers themselves, as well as getting drugs over the wall. The many failed attempts to tackle the issue show that that control of supply has limited impact.

**The issue will not be resolved by closing one route down, but only by addressing demand,** which involves addressing the quality of life for people in prison especially during the pandemic, including the importance of family contact, access to treatment and support for those who need it, as well as minimising the use of prison in the first place.

Drug deaths in Scotland are at unprecedented levels. There is broad acceptance that criminalizing use is not effective. Investment in mental health, recovery support, and greater family contact would more likely support those inside from feeling the need to turn to drugs. Compromising access to these things is likely to contribute to rather than alleviate deaths in prison.

**We call on the Criminal Justice Committee to exercise it's the power to annul implementation of this legislation. We call on the Delegated Powers and Law Reform Committee to consider the lawfulness of the legislation in terms of compatibility with the European Convention on Human Rights.** This legislation constitutes an unjustified and disproportional infringement of human rights, lacking evidence and due deliberation on its necessity and on the negative impacts such an



approach will have on prisoner rights, the wellbeing of them and their families and wider Government policy on family life and reduction of drug deaths.

Signed,

Prof Sarah Armstrong, University of Glasgow  
Dr Sarah Anderson, Edinburgh Napier University  
Prof Margaret Malloch, University of Stirling  
Dr Marguerite Schinkel, University of Glasgow  
Prof Fergus McNeill, University of Glasgow  
Dr Caitlin Gormley, University of Glasgow  
Dr Jamie Buchan, Edinburgh Napier University  
Dr Sharon Greenwood, University of Glasgow  
Dr Christine Haddow, Edinburgh Napier University  
Dr Ryan Casey, University of Oxford  
Dr Aileen O’Gorman, University of the West of Scotland  
Prof Richard Sparks, University of Edinburgh  
Dr Louise Brangan, University of Strathclyde  
Dr Kirsty Deacon, University of Strathclyde  
Dr Maria Fotopoulou, University of Stirling  
Dr Kirstin Anderson, University of the West of Scotland  
Dr Hannah Graham, University of Stirling  
Dr Estelle Zinsstag, Edinburgh Napier University  
Dr Johanne Miller, University of the West of Scotland  
Prof Laura Piacentini, University of Strathclyde  
Prof Anne Schwan, Edinburgh Napier University  
Dr Niall Hamilton-Smith, University of Stirling  
Dr Sarah Galloway, University of Stirling  
Dr Alistair Fraser, University of Glasgow  
Dr Peter Hillen, Edinburgh Napier University  
Dr Elizabeth Aston, Edinburgh Napier University  
Dr Lucy Pickering, University of Glasgow  
Prof Bonnie Slade, University of Glasgow  
Dr Shane Horgan, Edinburgh Napier University  
Dr Phil Crockett Thomas, University of Glasgow  
Professor Tessa Parkes, University of Stirling  
Dr Catriona Connell, University of Stirling  
Jess Thorpe, Royal Conservatoire of Scotland  
Dr. Paolo Maccagno, University of Aberdeen  
Dr. Annie Crowley, University of Glasgow

## **Letter from Families Outside**

Families Outside is a national independent charity that works solely on behalf of children and families affected by imprisonment in Scotland. We do this through provision of a national freephone helpline for families and for the professionals who work with them, as well as through development of policy and practice, delivery of training, and face-to-face support.

Families Outside is aware that illegal drugs and psychoactive substances are posing an ever-increasing challenge to the Scottish Prison Service (SPS) and have seen associated press coverage on this. We support the action that the SPS and Scottish Government are taking in Scottish Statutory Instrument (SSI) 2021/446 to reduce the opportunities for psychoactive substances and other drugs to come in to prisons, protect the safety of those in custody and preserve life. However, there are a number of issues we would like to raise with the Criminal Justice Committee prior to consideration of this SSI.

Families Outside is aware that the SPS has recently carried out a test of change in HMP Perth and HMP Edinburgh where general correspondence was photocopied and given to the person in prison custody. However, there is no reference to these tests of change within the Policy Note. We became aware of the test of change programme when we raised concerns from families directly with the SPS following press coverage of oral question S6T-00245<sup>1</sup>. It would be helpful if the learning from these tests of change could inform scrutiny of the SSI.

Families frequently contact our Support and Information Service Helpline with concerns for their loved ones held in prison. Between 1 January and 2 December 2021, 451 people affected by imprisonment phoned our helpline with concerns for their family member in prison. While only a small proportion of these concerns were directly related to substance misuse, 26% of these calls were concerns for family members on the general welfare of a family member in prison. General welfare covers a number of issues such as addiction, safety, and issues within prison. We note that the Policy Note<sup>2</sup> states in the Impact Assessment, “SPS however consider that these rule amendments are a necessary and proportionate means by which to maintain the good order of prisons, reduce the risk of harm to prisoners and those working in prisons being caused by drugs.” We agree with this Assessment, as long as the measures comply with human rights standards (e.g. the right to privacy and the right to family life), and believe the measures would help to act upon the concerns for people in prison we have received from families.

We fully support the amendment to Rule 2. This amendment will add psychoactive substances to the prohibited articles in the Prison Rules and is long overdue.

In terms of the amendments to Rule 55, we are generally happy with the proposal set out in SSI 2021/446. There is one area on the wording of the Prison Rules we would

---

<sup>1</sup> The Scottish Parliament, (2021). Official Report. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-02-11-2021?meeting=13379&iob=121391#16201>

<sup>2</sup> Scottish Prison Service, (2021). Policy Note. The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2021. SSI 2021/446. Available at: <https://www.legislation.gov.uk/ssi/2021/446/policy-note/contents>

ask the Committee to consider in detail. The current wording of Rule 55<sup>3</sup> states, “where an officer or employee proposes to open a letter or package to which this rule applied, or remove the contents of that letter or package, the officer or employee may ask the prisoner to be present when the letter or package is opened or its contents removed.” To comply with international human rights standards and legal precedent, Families Outside believes prison officers must ask the person in prison to be present rather than ‘may’. We would ask the Criminal Justice Committee to consider this point, as making this change would ensure parity between general correspondence associated rules for opening confidential mail as set out in Rule 56<sup>4</sup>.

Families require further information on the new procedure that will be in place for their written correspondence to family members in prison. It is important to families to know who will read their mail and what will happen to the original letter once it has been copied. As noted above, our Helpline has already taken calls from families who have raised concerns that their private mail to a family member could be read by a prison officer. If families are concerned that their private correspondence could be read en masse as a result of this SSI, it could lead to a number of families opting to stop writing to family member. This would have a negative impact on both people in prison and their families at a time when family contact is affected by the COVID-19 pandemic. We would encourage the SPS to provide clear communication through their website, social media, and Prison Visitor Centres to explain the new process for mail as a result of this SSI. Families Outside has already offered to work with the SPS on communicating the changes to families.

Families Outside is concerned that the process proposed in the SSI would be incompatible with Rule 104<sup>5</sup>. Under Section 3, where a Governor is satisfied that an item seized is not a prohibited article, they must return the item to its owner. The proposed SSI would allow prison officers to test letters, but they would only be returned when a person leaves prison. It is unclear what process would be followed if general correspondence were photocopied and the original then tested and found to be negative for psychoactive substances, namely whether the new Rule 55 or current Rule 104 would apply. It is unclear which process would be triggered if a letter were to test positive and what the consequences would be for the sender and for the person in prison. It is important that families understand this fully if the new rules are to work effectively as a deterrent. We know that, unfortunately, some families find themselves under significant pressure from criminal elements to facilitate the introduction of drugs and illicit substances to prisons.

The Policy Note<sup>6</sup> states, “The Scottish Prison Service and Police Scotland are reviewing the current Memorandum of Understanding concerning the management of illicit substances found in prisons, including the investigation, collection and destruction of such substances.” We would be keen to know what both the SPS and

---

<sup>3</sup> The Scottish Government, (2016). The Prisons and Young Offenders Institutions (Scotland) Rules 2011 – Rule 55 (as amended by SSI 2016/131). Available at: <https://www.legislation.gov.uk/ssi/2011/331/article/55/made>

<sup>4</sup> The Scottish Government. (2016). The Prisons and Young Offenders Institutions (Scotland) Rules 2011 – Rule 55 (as amended by SSI 2016/131). Available at: <https://www.legislation.gov.uk/ssi/2011/331/article/56/made>

<sup>5</sup> The Scottish Government. (2011). The Prisons and Young Offenders Institutions (Scotland) Rules 2011 – Rule 104. Available at: <https://www.legislation.gov.uk/ssi/2011/331/article/104/made>

<sup>6</sup> The Scottish Prison Service (2021). Op cit. footnote 2

Police Scotland would hope to achieve from a new Memorandum of Understanding and how quickly they would hope to agree a new Memorandum. We call on the SPS to keep stakeholders informed of progress on agreeing a new Memorandum and to set out what additional changes (if any) may be required to the Prison Rules or associated Directions.

The proposed SSI would also be a departure under the Scottish Prison Rules (Correspondence) Directions 2012<sup>7</sup> and introduce new processes. We believe that the current Directions should be amended to ensure that processes are clear to prison officers who have to enforce them, people held in prison, and their families who will be affected by them. Given the above point, we appreciate that the most prudent time to amend the current Directions may be following a new Memorandum of Understanding being agreed between the SPS and Police Scotland.

Families Outside is supportive of the action the SPS and Scottish Government are taking to stop drugs entering prisons in Scotland. However, we are concerned that if the SSI proposed is only changing the process for general correspondence, this will have a limited impact. On the 15<sup>th</sup> September 2021, the Chief Inspector of Prisons for Scotland outlined the issue and possible solutions that could be taken to tackle the high levels of Psychoactive Substances entering prison. She said, “Prisons are phenomenal at detecting drugs and preventing them from coming in—indeed, when you look at reports about how much they stop getting in, it is amazing—but novel psychoactive drugs, for example, can be come in on paper. A solicitor’s letter, say, can be forged and the paper soaked in drugs to be sent in, popped in a kettle and sent out again. That sort of thing can cause real problems. We could change the prison rules to prevent all legal letters, at least, coming in by post, and we could also consider photocopying prisoner letters.”<sup>8</sup> The SSI only proposes to act on one of these suggestions. We appreciate that making changes to how confidential mail is sent in to a prison will require consultation with a number of stakeholders, namely the legal profession. However, we would welcome clarity from the SPS and Scottish Government if this is a move they are also considering.

One final point Families Outside would like to make is that general correspondence as its title suggests covers a range of correspondence. A number of families that we support will send cards, photos, and paintings and drawings from young children into prison. The proposed SSI suggests that all of this correspondence will be photocopied in black and white. This is disappointing for families we support and will be disappointing to parents and other people held in prison. We would ask the SPS to continue to monitor this and explore possible options to retain current procedures for non-written communication, in colour, through general correspondence.

Families Outside thanks the Criminal Justice Committee for considering the points raised in our submission. We are happy to speak to the Committee further on the issues we have raised.

---

<sup>7</sup> The Scottish Prison Service. (2012). Scottish Prison Rules (Correspondence) Directions 2012. Available at: <https://www.sps.gov.uk/nmsruntime/saveasdialog.aspx?IID=1753&SID=630>

<sup>8</sup> The Scottish Parliament. (2021). Criminal Justice Committee – 15<sup>th</sup> September 2021 Official Report. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/%20CJ-15-09-2021?meeting=13306&iob=120702>