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By email: sara.snell@gov.scot

Your ref: **Overcrowding in Scotland's prisons**
24 September 2025

Dear Sara,

Thank you for your letter dated 12 September 2025 regarding the current pressures being faced in Scotland's prisons.

I absolutely recognise the challenging impact a high prison population has on those living and working in our prisons and can assure you that action to support a sustainable reduction in the prison population is a top priority for myself and the Scottish Government.

The long-term trend of rising average custody length, an increase in the average sentence length of 31% over the last 10 years, is likely driven by a complex range of interacting factors. These include a shift in the mix of the seriousness of court cases and a reduction in the use of shorter custodial sentences. The action we have taken to strengthen our Justice system is resulting in more convictions of those involved in serious and organised crime and those who have committed sexual offences – both recent and historically. As you have seen first hand, it is not only an increase in numbers that this brings, it also brings added complexity in how our prisons are managed, for example segregating certain prisoners for the safe operation of our prisons, in turn, impacts the capacity of our estate.

This is a challenging and complex environment, and we share your aspiration to increase access to activities and rehabilitation opportunities. We must ensure that we have a prison system that focuses on those who pose the greatest risk to the public and provide a range of support to help reduce reoffending and aid integration back into the community.

As referred to in your letter, the Independent Sentencing and Penal Policy Commission is considering how imprisonment and community-based interventions are currently used to help ensure that we have a sustainable prison population. The findings and recommendations of the Commission, to be provided by the end of the year, will inform

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future work in this area but I hope to assure you that the Scottish Government is taking action now in response to these pressures.

The Scottish Government has already taken a range of action to address the prison population. This includes the Emergency Early Release measures that saw 477 individuals released, subject to a set of criteria, during June and July last year as well as the Prisoners (Early Release) (Scotland) Act 2025 which means most short-term prisoners will now be released from prison after serving 40% of their sentence instead of 50%. This has also led to a sustained reduction of 5% in the prison population compared to what would otherwise been the case if that action had not been taken.

In May, an SSI was laid to expand the timescales for HDC and was agreed by Parliament on 25 June. This will allow eligible prisoners to be granted HDC after serving 15% of their custodial sentence (down from 25%), and to increase the maximum time to 210 days (from 180). The changes will come into force from October.

In 2025/26, the Scottish Government provided £5.3 million to Upside, a new national throughcare service, delivered by a partnership of third sector organisations, launched in April to support people leaving prison, including people on remand.

Alongside this we want to see a sustained increase, where appropriate, in the use of community sentences as well as other interventions such as diversion from prosecution, structured deferred sentences, and bail supervision. To support this, the Scottish Government has increased community justice funding by £25m over two years, bringing the total funding for community justice to £159m in 2025/26 and are seeing some positive indicators in increasing the capacity of, and confidence in, alternatives to custody. This includes

- A total of 1,300 bail supervision cases were commenced in 2023-24, the highest in the last ten years.
- The number of diversion from prosecution cases commenced rose by 28% between 2022-23 and 2023-24 - from 2,600 to 3,400. This was the highest level in the last ten years.

In relation to the Scottish Prisons Service's (SPS) operational decisions around the Focused Day you have indicated concerns about potential for variation and that the changes, where implemented, may inadvertently exacerbate issues you have highlighted in your letter. I am sure Teresa Medhurst will be happy to provide you more specific assurance on this operational matter.

Finally, we are continuing to invest in our prisons through a 10% increase in the SPS resource budget and provided £355m of capital funding to progress the estate priorities of HMP Highland and HMP Glasgow. HMP Glasgow is an investment making Scotland safer and will have a transformative impact in how we rehabilitate people in Glasgow, and Scotland as a whole. With a design capacity of 1344, adding 357 places to the overall prison estate, it will provide an environment which is fit for purpose, making it easier to manage different populations, fosters a sense of mutual support and cohesion.

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I am aware we are due to meet soon, on Thursday 25 September and would welcome continuing this important discussion when we meet.

Yours sincerely,



ANGELA CONSTANCE

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