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Angela Constance MSP  
Cabinet Secretary for Justice and Home Affairs  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

2 May 2024

Dear Cabinet Secretary for Justice and Home Affairs,

### **Scottish Prisons - Overcrowding**

On 12 September 2023 I wrote to you with our deep concerns about the overcrowding in Scottish Prisons – see attached.

In 2024, we see the crisis has deepened and in the context of economic, environmental, and political challenges I am forced to raise this issue again as a matter of urgency.

Let me reiterate my concerns:

“Overcrowding in Scottish prisons not only undermines the welfare and human rights of prisoners but also poses substantial risks to prison staff, public safety, and the overall criminal justice system.”

“Inevitably, reduced access to essential services such as healthcare, mental health support, education, and rehabilitation programmes increases the likelihood of exacerbating existing issues, hindering the potential for successful reintegration into society upon release.”

“Overcrowded prisons also often experience elevated levels of tension, violence, and conflict. The ability to manage these conflicts and identify those at risk, strains prison staff and resources and compromises the safety of both prisoners and staff.”



Overcrowding has been highlighted in reports by the Council of Europe's Committee for the Prevention of Torture (CPT). The CPT recommended an approach to imprisonment for both remand and sentenced cohorts that is not purely punitive but rather focuses on rehabilitation and reintegration into the community. This is of course also rightly identified as a priority in the [Justice in Scotland: Vision and Priorities \(www.gov.scot\)](http://www.gov.scot). Regrettably this aspiration is simply an impossibility for the Scottish Prison Service with the numbers currently incarcerated, where up to 22 hours a day locked in a cell has all too often unfortunately become a norm. The issues are compounded by the poor performance of the prisoner transport provider who are communicating daily lists of booked escorts that they will not fulfil, leaving the SPS to do their utmost to step in; placing further demands on an already overstretched organisation.

Having been the Chief Inspector for over five years, but despite the commendable investment by the Scottish Government in state-of-the-art new prison establishments such as HMP Stirling and the Bella and Lilius centres, I remain convinced that the SPS neither have the buildings nor the resources or facilities necessary to offer all prisoners a humane approach to address offending, focus on recovery and reintegration and protect public safety. I have seen the population numbers and demographics change over the last five years and, worryingly, the indicators suggest that the volume of people in custody is likely to rise further, exacerbating my concerns about the ability of the SPS to manage and achieve the humane rehabilitative regime we all seek. It is not only the numbers of people in custody that contributes to the pressure, but also the churn of people entering and leaving. This affects almost every prison. Unfortunately, I have also seen two prisons deteriorate in the last two years and my fear is that the pressure of overcrowding increases the risk of deterioration elsewhere.

I have been verbally reassured on many occasions that there is a strategy to address the issue. I have, however, never been privileged to view the planning nor have I seen any evidence of its effectiveness. Accordingly, my concerns remain unabated.

I must therefore urge you to take immediate action to address the issue of overcrowding in prisons in Scotland, firstly to interrupt the current upward surge that has now increased risk to the highest level in seven prisons, and in the longer term to reduce the use of imprisonment in a sustainable way in keeping with the aims of the Vision for Justice in Scotland. This is crucial to ensuring the fair and humane treatment of prisoners, as well as action to promote public safety.

A copy of this letter will be published on our website.

Yours sincerely,

*Wendy Sinclair-Gieben*

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