

Via Email

Angela Constance MSP
Cabinet Secretary for Justice and Home Affairs
St Andrew's House
Regent Road
EDINBURGH

12 September 2025

Dear Cabinet Secretary for Justice and Home Affairs

Overcrowding in Scotland's prisons

My predecessor Wendy Sinclair-Gieben wrote to you on 2 May 2024 to record her deep concerns about overcrowding in Scotland's prisons, following on from a previous letter on the same issue on 12 September 2023.

In June 2024 you acted by introducing the Emergency Release of Prisoners scheme, which relieved pressure temporarily, and then in February 2025 the Prisoners (Early Release) Scotland Act 2025 shortened the length of time served by short-term sentenced prisoners.

On **5 June 2024**, one week before you announced plans for the Emergency Release scheme, the prison population stood at **8,286** (excluding those out of Home Detention Curfew). In **February 2025** the prison population in Scotland was back up at **8,328**. Yesterday, on **Thursday 11 September 2025** the overall prison population stood at **8,370** against a design capacity of 7,773, with a declared shortage of 597 places. The actual level of overcrowding is considerably worse than that due to the challenges which the Scottish Prison Service has had for many years in progressing people through to the Open Estate and making full use of capacity there. In practice therefore on 11 September 2025 ten of Scotland's prisons were overcrowded, accommodating 821 more prisoners than those prisons were designed to hold. That means more than 1,600 prisoners sharing cells originally designed for single occupancy. As you know HMP Barlinnie is the most overcrowded prison, currently being required to operate 40% above its design capacity, which puts an intolerable burden on SPS, NHS and Prison-based Social Work staff as well as impacting adversely on prisoners located there.

Overcrowding is an invidious and all-pervading evil that affects every aspect of prison life:

- It is more difficult for the prison to comply with core human rights such as access to fresh air. You will recall that our inspection report on HMP Barlinnie from November 2024 found that prisoners were not even provided with daily showers

- Relationships between staff and prisoners can become more strained. A significant cohort of prisoners in our pre-inspection surveys highlight concerns about relationships with staff which may, in part, relate to the pressures on staff posed by overcrowding, particularly where we see shifts having to be continually covered through overtime with the long-term risk of staff burn out
- Rehabilitation focussed activity becomes more compromised – inadequate access to work, education and other forms of purposeful activity with even longer waits to access offender behaviour programmes
- Transformational change opportunities are neglected, leaving more risk around the ability of prisoners to reintegrate successfully on release and stay away from crime. Such failures cost money. Analysis for the Times Crime and Justice Commission put the cost of reoffending in England and Wales at £23.6 billion in 2022
- Prisons stop being places of rehabilitation and become warehouses, holding people who may get very little time out of cell. In Barlinnie in November 2024 we saw staff doing their best in difficult circumstances, but some prisoners locked up 22 hours a day
- Lack of time out of cell and lack of access to purposeful activity or programmes can adversely affect mental health and wellbeing, which is very disturbing in the context of the extremely worrying rise in the number of deaths in custody in Scotland and the number of suicides in Scottish prisons
- Prisoner frustration over a prolonged period always carries the risk of concerted indiscipline, potentially even violent indiscipline and damage to prison accommodation or other facilities that is often very expensive to rectify. Clearly with overcrowding at the current level there is also absolutely no surge capacity elsewhere to accommodate the potential loss of a wing or accommodation block in the event of significant prisoner unrest.

My predecessor was very clear in her letter of 2 May 2024 that: “The SPS neither have the buildings, nor resources or facilities necessary to offer all prisoners a humane approach to address offending, focus on recovery and reintegration and protect public safety”. Wendy went on to indicate that two prisons had deteriorated over the last two years and she feared that “the pressure of overcrowding increases the risk of deterioration elsewhere”.

Although I have only been in post seven months, I have now visited all prison establishments in Scotland, and I can see the pressure on prisons and prison staff. While the reports into HMPs Glenochil, Kilmarnock and Low Moss have not been published yet, they will provide further evidence of a prison system struggling to cope with the number of prisoners it is now being asked to accommodate and the complexity of the current prisoner population it has to try to manage safely. I sympathise with the SPS on the long-standing pressures that they have faced, with a prison population that has consistently exceeded design capacity, and I recognise the determined efforts being made by SPS HQ, Governors and front-line staff to grapple with these very difficult challenges.

To manage these pressures and provide better consistency in the regime for prisoners the SPS had been intending to adopt a national approach to the introduction of what it called a

Focussed Day, but which might be more accurately referred to as a compressed day. This will now be left to local implementation, with greater risk of variation between individual prisons. HMIPS already have concerns that a compressed day may inadvertently exacerbate several of the issues identified above, making it more difficult to manage the existing level of activities and rehabilitation focussed opportunities for prisoners in a shorter period, when HMIPS believe the prison system should be aiming to significantly increase the number of such opportunities.

I do not pretend that there are any quick or easy answers to the challenge of a prison system where overcrowding has become deeply entrenched. I am aware that you are waiting for a report at the turn of the year from the group you established to look at sentencing and penal reform. I wish that group every success in its endeavours and deliberations. It is hugely important work, and I have no doubt that the group will come forward with many helpful recommendations.

My deep anxiety, however, is that waiting for a report at the turn of the year, with no decisive action potentially being taken to alleviate overcrowding until after the next Scottish elections in May 2026, and any solutions requiring legislative change after the election not implementable for many months thereafter, is simply not sustainable. It is not viable for a prison system that is already under intolerable pressure nor for the mental wellbeing and humane treatment of prisoners. It also can only further intensify the already formidable challenge in achieving the sustained reduction in people returning to prison, which we all wish to see.

I will of course be happy to discuss my concerns further when we next meet.

I am copying this letter to Teresa Medhurst, Chief Executive, SPS for information, along with Cat Dalrymple, Director of Justice, and other SPS and Scottish Government officials.

For transparency I intend to publish this letter on the HMIPS website.

Yours sincerely



Sara Snell
Chief Inspector of Prisons for Scotland