

Criminal Justice Committee

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

Written submission by the Prison Governors Association Scotland, November 2024

Dear Convener,

Prisoners (Early Release) (Scotland) Bill

The Prison Governors Association Scotland PGA(S) **welcomes the announcement** from the Cabinet Secretary around the Prisoners (Early Release) (Scotland) Bill. We are acutely aware that the prison population numbers remain stubbornly high, alongside extreme levels of complexity and is frankly, unsustainable. If unaddressed, this carries the strong potential to result in an incalculable risk to the effective delivery of our entire justice system in Scotland.

This bill, if implemented, will provide some relief to the high population numbers, (estimated at a 5% reduction) and **we are therefore supportive of this Bill**. That said, we hold the position that much work is required across the wider justice system to deliver a sustainable position which removes the need for emergency legislation. We need to have a formal debate about the purpose of Prison and how best we can use the justice system resources more effectively.

Our members **continue to be under significant strain** as per our previous correspondence(s). We are aware that the implementation of the Early Release Bill will increase workloads for our members, in prisons, at headquarters and for our social work colleagues. It is important to state that **this Bill is significantly different in context to the Bail and Release from Custody (Scotland) Act 2023**, where Part 2, section 11: Power to Release Early (Emergency Release) was utilised earlier this year, necessitating the use of a Governor's Veto. The **context of the Early Release Bill is a decisive action to reduce remission to 40% for Short Term Prisoners, (with clear caveats) and is a change to sentencing rules, policy and guidance**. We are clear on that basis, that a person should be liberated on their Earliest date of Liberation (EDL) as per liberation processes and that **a Governor's Veto should not be part of any such sentencing change**.

As ever, we are keen to provide our professional input to politicians and the Scottish Prison Service going forward and we are committed to making Scotland a Safer place to live.

Yours sincerely,

Natalie Beal
Chair PGA Scotland