



## Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024- Data Analysis Summary Report

### Introduction

This paper sets out an operational data analysis of use of the use of powers provided for in the Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024 (“the Regulations”)<sup>1</sup> by the Scottish Prison Service (SPS).

The Regulations came into force on 13 June 2024. They were made in exercise of the powers conferred on the Scottish Ministers by Section 3C of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (as introduced by Section 11 of the Bail & Release from Custody (Scotland) Act 2023 (the 2023 Act)), Section 16ZA of the Criminal Justice (Scotland) Act 2003 and section 27B(2)(a) of the Victims and Witnesses (Scotland) Act 2014 (as introduced by Section 14 of the 2023 Act).

These Regulations were made as Scottish Ministers were satisfied that the early release of prisoners was necessary and proportionate for the purpose of protecting: (a) The security and good order of any prison to which the regulations would relate; and (b) the health, safety or welfare of prisoners, or those working, in any such prison.

Eligibility for release was limited to those who were sentenced to less than four years and who, are due to be released within the 180 days following the date on which the Regulations come on 13 June 2024.

There were certain exclusions applied to early release under the regulations, including but not limited to those serving a life sentence and those serving a sentence for a domestic abuse offence or subject to sexual offender notification requirements. The early release of persons under the regulations were also subject to the prison governor’s veto power to prevent release under section 3C(5)(b) of the 1993 Act. More detailed information on exclusion categories and use of Governor veto is set out at Annex A.

In between 26 June and 25 July 2004, 477 individuals on short-term sentences were released early. This took place over 4 tranches:

Tranche	Number of releases (proportion of all releases)
1 (26 <sup>th</sup> -27 <sup>th</sup> June 2024)	106 (22.2%)
2 (3 <sup>rd</sup> -4 <sup>th</sup> July 2024)	136 (28.5%)
3 (10 <sup>th</sup> -11 <sup>th</sup> July 2024)	110 (23.1%)
4 (18 <sup>th</sup> -19 <sup>th</sup> ; 23 <sup>rd</sup> -25 <sup>th</sup> July 2024)	125 (26.2%)
<b>Total</b>	<b>477</b>

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<sup>1</sup> [The Early Release of Prisoners and Prescribed Victim Supporters \(Scotland\) Regulations 2024 \(legislation.gov.uk\)](https://legislation.gov.uk)

## Data Reporting

SPS has committed to being open and transparent about use of the Regulations. Weekly updates of total released were provided on the SPS website following each of the 4 tranches in June and July. This paper sets out an analysis of data by various breakdowns.

The breakdowns provided include the number of Governors' vetoes applied, and the releases by sex; index offence grouping; sentence length; health board; and local authority. We also intend to publish data on the number of individuals who returned to our custody, prior to their original date of liberation, in due course.

## Use of Governors' vetoes

Governors were able to veto the release of an individual if they considered they would pose an immediate risk of harm to an individual or group.

The distribution of vetoes across the tranches is displayed as below:

Tranche	Number initially eligible	Subsequently ineligible	Number of releases	Vetoes (rate)
1	145	11	106	28 (20.9%)
2	180	8	136	36 (20.9%)
3	176	15	110	51 (31.7%)
4	199	18	125	56 (30.9%)
<b>Total</b>	<b>700</b>	<b>52</b>	<b>477</b>	<b>171 (26.4%)</b>

Of those released:

## Releases by sex

Sex	Number released (proportion of all releases)
Female	57 (11.9%)
Male	420 (88.1%)
<b>Total</b>	<b>477</b>

## Releases by sentence length

Sentence length	Released (proportion of all releases)
0 to 6 months (0-180 days)	44 (9.2%)
6+ to 12 months (181-365 days)	157 (32.9%)
12+ months to 2 years (366-730 days)	175 (36.7%)
2+ years to 3 years (731-1,095 days)	81 (17%)
3+ to 4 years (1,096-1,460 days)	20 (4.2%)
<b>Total</b>	<b>477</b>

### Releases by index offence grouping

Index offence groupings are shown here in order of sentence tariff carried (i.e. most serious offences first), as delineated in the official prison population statistics.

Index offence grouping	Released (proportion)
Non-sexual crimes of violence	188 (39.4%)
Crimes of dishonesty	101 (21.2%)
Damage and reckless behaviour	10 (2.1%)
Crimes against society	99 (20.2%)
Antisocial offences	37 (7.8%)
Miscellaneous offences	9 (1.9%)
Road traffic offences	33 (6.9%)
<b>Total</b>	<b>477</b>

Both local authority and health board are assigned on the basis of the last known address for an individual in custody; they may not necessarily return to the same area.

### Releases by Health Board

Both health boards and local authorities were assigned based on the last known address of the individual. Please note, <5 denotes 0 to 4.

Health board	Released
NHS Ayrshire and Arran	65
NHS Borders	<5
NHS Dumfries and Galloway	13
NHS Eileanan Siar (Western Isles)	<5
NHS Fife	39
NHS Forth Valley	35
NHS Grampian	38
NHS Greater Glasgow and Clyde	119
NHS Highland	22
NHS Lanarkshire	67
NHS Lothian	34
NHS Orkney	<5
NHS Shetland	<5
NHS Tayside	33
Outwith Scotland	9
<b>Total</b>	<b>477</b>

## Releases by Local Authority

Where a local authority is not shown, there were no releases that fell within their remit.

Local Authority	Released
Aberdeen City	22
Aberdeenshire	9
Angus	7
Argyll and Bute	<5
City of Edinburgh	17
Clackmannanshire	14
Dumfries and Galloway	13
Dundee City	21
East Ayrshire	28
East Dunbartonshire	<5
East Lothian	<5
East Renfrewshire	<5
Falkirk	17
Fife	39
Glasgow City	72
Highland	20
Inverclyde	9
Midlothian	<5
Moray	7
North Ayrshire	22
North Lanarkshire	40
Outwith Scotland	9
Perth and Kinross	5
Renfrewshire	20
Scottish Borders	<5
South Ayrshire	15
South Lanarkshire	27
Stirling	<5
West Dunbartonshire	14
West Lothian	11
<b>Total</b>	<b>477</b>

Further data on recalls to custody will be published in due course.

## Scottish Prison Service

August 2024