Candidate 2 evidence

What Action Should the Scottish Government Prioritise to Relieve Pressure on Overcrowding Jails in Scotland?

Background and Framing

It is important to understand the background of this issue, which is that the Scottish prison population reached 8,430 in October 2025, the highest level since 2012 (BK). This issue is of clear social significance as it led the Scottish Government to release many prisoners early in order to free up prison spaces, leading them to introduce the Prisoners (Early Release) Act 2025 (BK), which decreased the proportion of a custodial sentence of under 4 years a prisoner must serve before early release from 50% to 40%, excluding those convicted of sexual of domestic abuse offences (BK). This came even after the Scottish Government implemented emergency measures in June 2024 where 477 prisoners were released early (BK), suggesting current efforts to resolve the issue are not working. This issue directly impacts people because the rate of reoffending for early releases is high, affecting citizens' public safety once these offenders return to communities, with over 1 in 10 prisoners released early in the summer of 2024 being back in jail within a matter of weeks (BK). This issue is also of clear economic importance as the total expenditure for the Scottish Prison Service in 2024/25 was £606.7 million, which is funded through general taxation (BK). This directly impacts people because public money tied up in the prison system gives the Scottish Government less flexibility to invest in important public services that reduce crime long-term, such as education and policing.

- The first option for this decision would be to further expand the use of non-custodial sentencing, which would lead to a reduction in the number of prisoners entering jail by providing alternative punishments, this approach would clearly build upon the extension of PASS to 12 months that was introduced most recently in 2019 (BK).

- The second option for this decision would be to expand the use of substance abuse treatment since 15% of prisoners in 2024 committed their crimes specifically to get money for drugs (BK). This would therefore reduce a significant portion of crime committed in Scotland by providing support for addicts to remove this motive, thus reducing prison inflow.

- The third option for this decision would be to expand early school-based intervention, since children who have been suspended/excluded are over five times as likely to have a police record for an offence compared to those who have not (BK). This would reduce prison inflow by mitigating the long-term risk of

these young people entering the justice system, effectively shrinking and removing the pipeline to prison.

Decision

Based on all the evidence, the Scottish Government should prioritise expanding the use of non-custodial sentencing (Option 1) ahead of the other options.

Arguments in Favour of Decision (Option 1)

The first argument to support my decision is that expanding and normalising noncustodial sentencing directly reduces inflow into jails by providing alternatives for offenders who would otherwise receive short-term custodial sentences and thus enter a cycle of reoffending. This argument is based on Source 1, which states that criminal justice social workers operate in all 32 local authorities of Scotland and 71% of CPOs require a supervisor, suggesting offenders are not simply left in the community but are actively monitored and managed. This indicates a significant level of oversight, challenging the perception that such alternatives are a "soft option," which is believed true by 60% of people in Scotland (BK). Indeed, the effectiveness of this close support is proven by Source 11, which states that the reoffending rate for community-based sentences is only around two-thirds of that of custodial sentences, suggesting they increase public safety and reduce prison inflow. This therefore clearly means my decision is correct because it demonstrates that noncustodial sentencing restricts offenders' liberty whilst being substantially more effective at reducing reoffending. Furthermore, if fewer individuals repeatedly return to custody, there will be a long-term reduction in the prison population which will clearly help to tackle Scotland's prison overcrowding crisis. Taken together, Option 1 is the best decision for the Scottish government due to its practicality as well as its evidence-based effectiveness.

The second argument to support my decision is that expanding noncustodial sentencing is far more financially sustainable for the Scottish government than continuing to invest heavily in imprisonment. This argument is based on Source 3 where it states that prison costs are estimated at approximately £47,000 per prisoner annually compared to only around £5,000 for a non-custodial sentence, suggesting that community-based alternatives achieve the aim of combining punishment and effective supervising of offenders using significantly fewer government resources and money. Indeed, this significant difference also provides an opportunity for the Scottish government as the annual cost of imprisoning one offender is approximately 5 times higher than the annual cost of educating one pupil per year (BK), suggesting money saved on incarceration due to a greater reliance on non-custodial sentencing could then instead be allocated to alternative public services. This is proven to be true by

Source 4 where it states that the Scottish Prison Service spent £358.2 million in 2019 to accommodate around 8,000 prisoners across 15 jails, and this is further reinforced by Source 5 which states that the replacement of Barlinnie prison is now estimated to cost £1 billion rather than the originally projected £400 million. Therefore, this clearly means my decision is correct because it demonstrates that imprisonment carries extremely high running costs and is potentially financially unsustainable at a time of great pressure on the public purse (BK). While Source 2 acknowledges that electronic monitoring costs around £3 million annually, this figure is trivial in comparison to the hundreds of millions spent on prisons, showing that noncustodial measures remain significantly cheaper as well as providing better long-term outcomes for society. Overall, prioritising noncustodial sentencing offers a more economically sustainable approach while still ensuring offenders are still adequately punished and managed within the community.

Arguments for Option 2 and why this was rejected

It might appear possible to argue in favour of Option 2 since Source 6 states that in 2023/24 46% of adults exiting substance abuse in Scotland recovered successfully and were deemed free from dependence suggesting rehabilitation programmes have significant capacity to reduce addiction-related offending. Indeed, since 45% of prisoners were reported as being under the influence of drugs at the time of their offence in the most recent Police Scotland data (BK), this implies that pressure on overcrowded jails would be greatly relieved since substance abuse is a major cause of crime. However, this argument should be rejected because the majority receiving such treatment (54%) did not recover successfully, or relapsed (BK), suggesting that treatment alone does not provide a guaranteed or major solution to the prison overcrowding crisis, despite its partially positive results for some offenders, and that it should not be seen as the primary focus for the SG. Therefore, expanding rehab programmes may not significantly reduce reoffending rates or prison overcrowding to the extent required, to tackle what is clearly a pressing situation. Furthermore, the tackling of substance dependency is clearly a longer-term solution even if the efficacy of rehabilitation programmes could be improved, and since there is an overcrowding crisis happening right now, this clearly demands a more radical, short-term solution which is precisely what Option 1 would achieve. This argument is further backed up by the fact that it is also ineffective to expand the use of substance abuse treatment since Source 7 states that approximately 32% of the Scottish Government's annual drugs and alcohol budget is spent on bureaucracy, specifically social workers and nurses who manage paperwork and prescriptions rather than providing actual therapy. This suggests the current system is structurally inefficient and expanding treatment would likely not reduce prison overcrowding if a significant portion of funding fails to directly address addiction recovery. The funds allocated to rehabilitation would be more

effectively spent on frontline services that were associated with greater focus on community-based sentencing approaches, i.e. Option 1.

Arguments for Option 3 and why this was rejected

It might appear possible to argue in favour of Option 3 since Source 8 states that schoolchildren suspended or permanently excluded from school were 59% more likely to also be cautioned or even sentenced for an offence in later life, suggesting early disengagement from education is a major predictor of future criminal behaviour, therefore contributing to overcrowding in jails. Therefore, increasing school-based interventions could be argued as a means to tackle behavioural issues at an early stage that could then prevent young people from entering the criminal justice system in the first place, thus reducing the prison population. However, I reject this option because there is currently a huge shortage of required professionals that would be necessary to deliver this such as therapists and counsellors in Scotland. Indeed, this is supported by Source 9 which states that in 20% of senior mental health roles in Scotland in 2025 are vacant or filled on a temporary basis, while in NHS Fife this rises to 40%, suggesting that the support infrastructure required to deliver these interventions are already overstretched. This heavily implies that expanding intervention programmes is unrealistic in the short-term as there are simply not enough staff to provide consistent high-quality support and even if the Scottish Government were to commit the substantial resources necessary to address the shortage of appropriate staff, at best this would become a mid to long term answer because training highly qualified staff that would have the biggest impact would clearly take an extended period of time, which would then be exacerbated by the lead-time for any impact to be felt amongst the young people who would be benefiting from their time with these professionals, and to relieve our prison overcrowding crisis we clearly need effective action that will have a direct impact now. Option 3 would therefore not relieve pressures on Scottish prisons quickly or effectively due to staff shortages limiting its impact. Moreover, even if supporters of this option argued that the Scottish Government could upscale existing services to deliver them by increasing caseloads or reducing time spent with individual young people, this clearly risks compromising quality and overstretching staff, which could lead to retention and recruitment issues amongst staff, thus further undermining programme effectiveness in practice, and limiting the quality of support provided to young people. Additionally, Source 10 states that 31% of Scottish Government infrastructure and technology projects are currently incomplete, suggesting that upscaling support for young people would be incredibly difficult to achieve, and that politicians may wish to deprioritise these plans for shorter-term measures. Such crises like overcrowding in jails often require immediate measures to relieve pressure on institutions, thus weakening the argument for Option 3, and confirming that Option 1 is the superior choice.

Evaluation of Sources

Source 1 was the most reliable source used for this report. This is because it was produced by the Scottish Centre for Crime and Justice Research in collaboration with the University of Glasgow, a reputable academic institution with experts in their field. By working in collaboration with such a prestigious academic institution, this gave me confidence that high standards of research would have been applied, and that the SCCJ would have been able to have their work effectively peer-reviewed and fact-checked. In addition, the SCCJ is a non-profit organisation with no political affiliation or agenda, and it was completely transparent about the methodology it used in the creation of its statistics. Furthermore, the use of an in-depth case study by the SCCJ provided more credibility due to it confirming a "mixed methods" approach to the research undertaken.

Source 2 (Scottish Government website) was the least reliable source. This is because it was published in 2017 (nearly a decade ago) and its contents contained data from 2015 and 2016. Therefore, the source was outdated, and it compelled me to spend time conducting further research to factcheck the contemporary accuracy of the data presented. In addition, although the source will have benefited from professional civil servants having direct input into the accuracy of the raw statistics contained within it, it is also from the Scottish Government who will have a political agenda and will attempt to portray themselves in a positive spotlight. They therefore would clearly choose to mention less negativity and only focus on the positives as they want to impress voters so they can be elected again in the future, meaning it was less trustworthy as a source.

Conclusion

In conclusion, the evidence has clearly proven that the Scottish Government should prioritise expanding the use of non-custodial sentencing (Option 1) ahead of the other options. Although many argue they are a soft option for offenders, this is a weak argument since they are structured and monitored in the same manner as prisons through supervisors, whilst also providing a financially sustainable path in the long-term. The most important piece of evidence that supports Option 1 is from Source 1, stating that 71% of Community Payback Orders require a supervisor which proves that offenders will not be "abandoned" when they are released early from prison, and as well as immediately helping to tackle our prison overcrowding crisis it will also underpin longer-term improvements for offenders, victims and wider society due to its greater impact on recidivism. A clear consequence of this decision is that the Scottish Government should immediately seek to adopt a twin-track approach. They should ask the Lord Advocate to liaise with the Scottish Sentencing Council and in addition, they should seek to pass further legislation to build upon the Presumption Against Short

Sentences Act that was passed in 2019, to seek to expand it to 24 months at a minimum. Ultimately, in comparison to the limited effectiveness of expanding substance abuse treatment and the lack of infrastructure required to deliver meaningful school-based interventions that reduce crime long-term, prioritising expanding non-custodial sentencing represents the most cost-effective and accountable solution to immediately reduce overcrowding in Scottish jails and is therefore proven to be the correct decision.

Source Sheet

Source 1 https://www.sccjr.ac.uk/wp-content/uploads/2023/10/SCCJR-Community-and-financial-penalties-Final.pdf

Source 2 https://www.gov.scot/publications/electronic-monitoring-scotland-consultation-proposals-legislation/pages/4/

Source 3 https://www.gov.scot/publications/sentencing-penal-policy-commission-describing-challenge/pages/2/

Source 4 https://audit.scot/uploads/docs/report/2019/s22_190912_sps.pdf

Source 5 https://www.bbc.co.uk/news/articles/cj02vejellpo

Source 6 https://www.gov.scot/publications/national-mission-drugs-annual-monitoring-report-2023-2024/pages/7/

Source 7 https://audit.scot/uploads/2024-10/nr_241031_drugs_alcohol.pdf

Source 8 https://teachingbattleground.wordpress.com/2022/04/09/does-being-expelled-or-suspended-turn-you-into-a-criminal/

Source 9 https://www.rcpsych.ac.uk/news-and-features/latest-news/detail/2025/01/28/almost-20--of-consultant-psychiatrist-jobs-in-scotland-seeking-permanent-recruit--data-shows

Source 10 https://www.apm.org.uk/news/political-instability-expected-to-negatively-impact-projects-across-the-uk/#:~:text=The%20survey%20reveals%20a%20significant,to%20avoid%20uncertainty%20and%20risk

Source 11 https://sentencingacademy.org.uk/wp-content/uploads/2023/09/The-Effectiveness-of-Sentencing-Options-1.pdf