



**HEADQUARTERS**  
One Lochside  
1 Lochside Avenue  
Edinburgh  
EH12 9DJ

**Our Ref:** HQ24083

8 August 2024

Dear

Thank you for your request dated 11 July 2024 under the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

For reference, you requested:

**RFI 1:** “Can you confirm how many prisoners in total will be released under the Emergency Early Release of prisoners on short-term sentences this year?”

**RFI 2:** “How many victims of prisoners who have or will be released under these measures have been notified under the Victim Notification Scheme?”

**RFI 3:** “How many times has SPS been contacted by a Victim Support Organisation to request information on behalf of a victim of a prisoner released or due to be released under these measures?”

We have now completed our search for the information you requested.

**RFI 1 Response:** While we do endeavour to provide information whenever possible, in this instance an exemption under section 27(1)(a)(i) of FOI(S)A applies as this information is intended for future publication within 12 weeks of receipt of your request.

Section 27(1)(a)(i) of FOI(S)A is subject to the public interest test. FOI(S)A does not define the public interest test, however it is described as something that is “in the interest of the public”, and not merely something that is “of interest to the public.” In this instance SPS has assessed that the information should be withheld. While it is recognised that there is a general public interest in the number of prisoners released under the Emergency Early Release scheme, in this instance it is considered more in the public interest that the necessary time is taken to ensure the information has been properly collated and checked before it is published as planned.

**RFI 2 Response:** The Scottish Prison Services’ VNS Contact Team notified all registered victims on the Victim Notification Scheme (VNS) ahead of an offender’s release, where there had been a change to the release date of the offender. In total 5 victims who were registered on the VNS were notified ahead of the offender’s release from custody. There was 1 case where contact with a victim was attempted several times, however, despite efforts SPS’ contact was not returned by the victim.

A new process was also introduced during Emergency Early Release to enable victims who had not registered on the VNS to enquire whether they could be provided with the release

date of an offender. Through this process SPS also notified a further 5 victims of the release date of an offender.

**RFI 3 Response:** The SPS' VNS Contact Team had a direct enquiry mailbox for the named VSOs (Victim Support Scotland, ASSIST, Children 1<sup>st</sup> & Rape Crisis Scotland). SPS' VNS team were contacted with 2 direct request enquiries from a named VSO on behalf of a victim seeking the release date of an offender.

This concludes our response to your request.

If you are unhappy with this response to your request, you may ask us to conduct an internal review, by writing to The Chief Executive, One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ. Your request should explain why you wish a review to be conducted and should be made within forty working days of receipt of this letter, and we will reply within twenty working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely

Freedom of Information Manager