

Early Release of Prisoners (Scotland) Regulations 2025 - Returns to Custody Analysis

August 2026

This paper provides an analysis of returns to custody for those released under the Emergency Early Release (EER) scheme, between 11 November and 18 December 2025.

Introduction

Further to the SPS summary report of Emergency Early Release data published on 16 February 2026¹, this paper provides an analysis of returns to custody for those released under the Emergency Early Release (EER) scheme. Between 11 November and 18 December 2025, 286 individuals were released early in three tranches. This analysis identifies individuals who have returned to custody prior to their original date of liberation.

Analysis

Before 30 May 2026, 34 people who left custody as part of the EER programme in November and December 2025 had returned to custody before their original Earliest Date of Liberation (EDL), i.e. the date on which they would have been released from custody if they had not been eligible for the scheme. As a proportion of the 286 people released under the EER scheme during these tranches, this equates to 12%. Please note that this rate of return is not directly comparable to other reconviction or recidivism rates due to the eligibility criteria for the EER process and the different time limit on returns for the purposes of this reporting.

The table below shows the recorded index offence groupings for which people came back into custody, with disclosure control applied to groups of less than seven individuals.

Note: this table shows information covering people who have been convicted of an offence, people who are being held on remand for an alleged offence, and people who were remanded for an alleged offence, and have since been released from custody. The index offence group shown here represents an individual's most serious offence, as defined by the index offence allocation from the Official Prison Population Statistics² which gives more weight to convicted offences than alleged offences.

Please note that <7 denotes 1 to 6.

Index offence group	Number of people returning to custody before their original EDL before 30th May 2026 (proportion of all returning)
Non-sexual crimes of violence	18 (53%)
Crimes of dishonesty	9 (26%)
Crimes against society	<7
Antisocial offences	<7
Total	34

¹ [Emergency Early Release - January 2026 Data Analysis](#)

² [CellWise Data Construction - Scottish prison population statistics technical manual - gov.scot \(www.gov.scot\)](#)

Individuals returning to custody prior to their original EDL remained in the community for between 2 and 87 days, with an average time in the community of 28 days.

Time in community	Number of individuals
0-10 days	13 (38%)
11-20 days	<7
21-30 days	<7
31-40 days	<7
41+ days	10 (29%)
Total	34