
Are the recent mistaken releases just a tip of the iceberg regarding the criminal justice system in UK?

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The mistaken release of Hadush Kebatu from HMP Chelmsford prison, captured intense media attention and raised deeper concerns around the criminal justice system.

Kebatu was jailed for 12 months for sexual assaulting a woman and a 14-year-old in September 2025. He was meant to be sent to an immigration detention centre and was due to be deported, but instead was mistakenly released from HMP Chelmsford prison on 24th of October (Sky News, 2025). "Human error" was said to be the cause of this mistake, leading to an intense police search that culminated with an arrest two days later in north London (Mulligan, 2025).

This was considered a "national embarrassment" by the Deputy Prime Minister, David Lammy, prompting the government to order new measures to be in place before someone is released from prison to avoid future mistakes (Mulligan, 2025). Following this incident, on the 27th of October, the government confirmed the development of an independent investigation led by Dame Lynne Owens aiming to determine the "full facts of the incident", which is due to conclude by the end of the year (Ministry of Justice, 2025a). Immediate measures to strengthen release checks across prisons have been confirmed, including the presence of the Duty Governor for any foreign criminal that is to be released from prison to be deported, as well as clear checklists to confirm protocol has been followed prior to the release procedure (ibid).

Less than two weeks later, English prisons were again in the spotlight, this time with HMP Wandsworth confirming that two prisoners were released in error just days after each other. First, Brahim Kaddour-Cherif, who is an Algerian migrant sex offender was released in error on 29th October. However, the mistake was reported to the Met Police on 4th November, which raises questions around the reasons why it took nearly a week to be addressed (Parashar et al., 2025). On the 3rd November, William Smith (also known as 'Billy' Smith), a British national who was convicted of multiple fraud offences and sentenced to nearly four years, was also mistakenly released.

The news of these, additional, mistaken releases broke after Conservatives' James Cartlidge pressed Deputy Prime Minister, David Lammy, on whether there have been other release errors since the mistaken release of Hadush Kebatu, which Lammy did not answer directly (Thompson, 2025). Clearly the immediate measures ordered by David Lammy are either not working or were not put in place in all establishments.

How big is the problem?

This raises questions about deeper problems in prison and the criminal justice system, but how big is the problem? According to a publication from the Ministry of Justice (2025b), in a twelve-month period to March 2025, 262 prisoners were released in error, with a 128% increase from last year. Of these 262 prisoners mistakenly released, 233 occurred from prison establishments (ibid). More concerning is the fact that some of these mistakes are only recognised when the prisoners return to custody in a later date (ibid).

Comparing to England and Wales the figures in Scotland are significantly lower. In Scotland, the Scottish Prison Service (SPS) reported a total of 27 “liberations in error” over the last four years; these included eight in 2022/23, seven in 2023/24, nine in 2024/25, and three so far in the current year up to the 22nd of October (Gilmour, 2025). The SPS also confirmed that all individuals involved have since been accounted for, with none remaining unlawfully at large (ibid).

The issue of high numbers among the prison population is well known and long discussed. Continued reliance on incarceration as a primary form of punishment has played a large role in the rising prison population, particularly for those serious and repeat offenders.

The [World Prison Brief](#) provides the most comprehensive source of information about prison populations around the world. In comparison with other countries with a similar size, Scotland has one of the highest imprisonment rates in Western Europe (150 per 100,000 population in October 2025), which is higher than England and Wales (139), and other countries such as France (124), and Portugal (120). While these rates have fluctuated, Scotland's has been consistently higher than England and Wales in recent years.

Country	Prison Population Rate
Iceland	35
Finland	54
Norway	54
Netherlands	64
Denmark	69
Switzerland	77
Portugal	120
France	124
England and Wales	139
Scotland	150
Lithuania	156
Latavia	175

Source: World Prison Brief

Figures from the SPS show that the average daily prison population in Scotland was 8,394 at the end of October 2025 ([Scottish Prison Service, 2025a](#)); against an official capacity of 7,905, this results in an occupancy level of 100.3% ([World Prison Brief](#)). This number surpasses the previous record of 8,420 set in 2012.

Overcrowding has reached such high levels that the Scottish Government passed an Emergency Bill in November 2024, and became an Act on 22nd of January 2025 with [The Prisoners \(Early Release\) \(Scotland\) Act 2025](#). The 2025 Act changes the release point for those serving prison sentences of less than four years (short-term sentences) (The Scottish Government, 2025a). Which means prisoners will be released at the 40% point of their sentence instead of at the 50% point. Those serving sentences for domestic abuse or sexual offences will still need to serve 50% of their sentence before they can be released (ibid).

As a result of the first phase of the emergency release process under the 2025 Act, between February and March this year, 312 individuals have been released already (Scottish Prison Service, 2025b). A second emergency release process has been proposed and approved by the Scottish Parliament to release some short-term prisoners early due to high prison numbers. Around 440 prisoners are expected to be released across three tranches between November and December 2025. A further 550 individuals are estimated to be released during the four monthly tranches from January to April 2026, with January likely to account for the largest single release (The Scottish Government, 2025b).

Prison overcrowding, stretched and inexperienced staff - how these factors combined can be problematic?

Prisons exceeding their occupancy level combined with reduced funding, stretched and inexperienced staff creates a dangerous mix: it increases violence, leads to deterioration in living conditions, undermines rehabilitation, and increases the risk of serious mistakes such as wrongful releases.

A report commissioned by the Prison Officers' Association (POA Scotland, 2025) entitled [Crisis Point](#), found that 73.7% of those members interviewed believed that overcrowding contributed to “fewer opportunities for staff to work positively on prisoner rehabilitation” (p.12). Nearly 80% indicated that prisoner numbers are placing added strain on prison officers, and 91% reported that rising prisoner populations are contributing to heightened tension within prisons (ibid). A frequent concern is the recruitment of staff, with improvements needed ensure officers embody key traits such as character, communication, resilience, and problem-solving under stress. Concerns have also been raised regarding recruitment processes, with idealised images of police officer roles being presented rather than the realities of working in a prison environment where there will be “confrontation and there will be violence” thus requires people with exceptional resilience and character to manage the job (ibid p.15).

HM Chief Inspector of Prisons for Scotland has emphasised the issues around having a high prison population and the pressures associated which undermine the SPS's commitment to providing “person-centred, inclusive, trauma-informed, and rights-based services that promote the health, safety, and wellbeing of all those in custody” (HM Inspectorate of Prisons for Scotland, 2025).

What can be done to reduce these problems?

One of the main key actions to reduce the number of prison population include more frequent use with more investment on community-based sentences, the Community Payback Orders

(CPOs) in Scotland, as a diversion for lower-risk offenders while reserving imprisonment for dangerous individuals.

The Criminal Justice and Licensing (Scotland) Act 2010 introduced a single community disposal, the CPO as a sustainable option that guarantees that individuals repay the public and community their crimes in two different ways: by requesting the offender to payback, usually by undertaking unpaid work; and by requesting them to address and adjust their behaviour by offering opportunities for their rehabilitation in the community.

CPOs play an important role in reducing the pressure of the prison system while also providing offenders with an opportunity for reparation (in a payback form), helping individuals to rehabilitate and reintegrate into the community (Loureiro, 2021). In other words, providing opportunities through work placements or other activities for individuals that are flexible and tailored according to their needs, while also maintaining family relationships (ibid).

Maybe the argument here is not whether Scotland needs to build more prisons but rather changing the notion of community sentences as an alternative. The idea of custody as the last resort only reinforces the prevailing notion of custody as the default option (Tata, 2016). It seems that the central problem continues to be the mentality of the use of custody (for short-term periods) as a last resort when no other option seems to work (Loureiro, 2021). Leading to the thought of prison working as a therapeutic institution, and the only legitimate viable option that has public confidence. This thinking needs to be inverted otherwise little will change. Community sentences need to be seen as the default position, not the alternative, and not a soft option, but an option that can provide opportunities for individuals to rehabilitate as well as to preserve links with family, employment, and society (ibid). The over-reliance associated with custodial sentences to hold people for short periods of time only increases the likelihood for individuals to return to prison repeatedly. This thinking only reduces custody to the default position. Instead, it is necessary to start developing an approach where certain purposes for imprisonment should be excluded (e.g. rehabilitation) and the focus shifted to specifying situations in which imprisonment should never be considered in the first place (Tata, 2016; Platts and Waterton, 2016).

More still needs to be done regarding community sentences. It is crucial that further investment on sentences in the community focus on embedding stronger infrastructures, better support services and judicial confidence. Without these in place, even the most robust programmes would not work.

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