

SPSO decision report

Case: 201203590, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: non-legal correspondence
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, complained that prison officers opened an item of his incoming post when he was not present. Our investigation found that the Scottish Prison Service (SPS) are permitted to open personal post in certain circumstances, such as when they have reason to believe that an item might contain something illicit, such as drugs. In this case, Mr C's envelope had an unknown shape inside it, which meant that staff did a risk assessment and decided to open the envelope under controlled conditions. The envelope turned out to contain a card.

Security and risk assessments are a matter for the SPS, not for us. Our role was to consider whether they acted reasonably in dealing with the situation, and we were satisfied that they had done so. In this case, they had reason to believe that the envelope might have contained something inappropriate. Although the prison rules do not specify that post can be opened without the prisoner being there, neither do they say that the prisoner should always be present. We were also satisfied with the information that the SPS supplied about the need to open suspect packages under controlled conditions. In conclusion, we were satisfied that the SPS had acted appropriately.