

SPSO decision report

Case: 201303897, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: searching of prisoner, property and cell
Outcome: upheld, recommendations

Summary

Mr C, a prisoner, complained that staff at his prison carried out a personal search in a manner that was unreasonable in his particular circumstances. In looking at Mr C's complaint, our role was to examine whether the prison followed the correct procedure in carrying out the search.

When we looked at the search procedures we found that they said that, after a search, the final stage was to complete relevant paperwork. There was no paperwork, and we concluded that the prison had not completed this as they should have done. This meant we could not determine whether the prison followed the correct procedure when Mr C was searched and, consequently, whether it was reasonable. Because of this, we upheld Mr C's complaint.

Recommendations

We recommended that Scottish Prison Service:

- amend the body search procedures to make clear in which cases relevant paperwork should be completed.