

## SPSO decision report



**Case:** 201004419, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** security; control and progression; substance testing  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that the SPS unfairly disposed of liquid found in his cell which was thought to contain alcohol. Upon discovery, the liquid was taken to the prison's drugs testing unit where the SPS said it tested positive for alcohol. As this is against prison rules, they held a prison disciplinary hearing and placed Mr C on report. Mr C said that the SPS told him they had disposed of the liquid. He was unhappy, claiming that this prevented him from having his lawyer arrange independent testing of it. He complained to the SPS and the hearing decision was overturned. However, he was still unhappy and complained to us. When we investigated we found that the liquid had not been disposed of and was still in the prison's drugs testing unit. Whilst we were satisfied that it had not been disposed of, we concluded that it would have been helpful if the SPS had addressed Mr C's complaint fully and explained that they still had the liquid. This would have prevented the complaint escalating to SPSO. As the liquid had not been disposed of, we did not uphold this complaint.