

SPSO decision report

Case: 201103813, Scottish Prison Service
Sector: scottish government and devolved administration
Subject: downgrading
Outcome: not upheld, no recommendations

Summary

Mr C, who is a prisoner, was returned from the prison open estate to closed conditions because it was suspected that he was involved in illicit substance misuse. Mr C said the decision was unreasonable because he had not done anything wrong and had not failed any drug tests. He also complained because he said the Scottish Prison Service (SPS) inappropriately noted on his record that he had taken drugs.

The SPS are entitled to decide to downgrade a prisoner when evidence is available to suggest that the prisoner may be unsuitable for less secure conditions. We cannot question such a decision without evidence that the SPS did something wrong in that process. In considering Mr C's complaint, we were satisfied that the SPS took the decision to return Mr C to closed conditions after following the proper process and considering all relevant information. We were also satisfied that they were entitled to record information about Mr C given that they suspected he was involved in unacceptable drug-related behaviour.