

## SPSO decision report

**Case:** 201305131, **Scottish Prison Service**  
**Sector:** Scottish Government and devolved administration  
**Subject:** searching of prisoner, property and cell  
**Outcome:** upheld, recommendations

### Summary

Mr C submitted four complaint forms to the prison governor alleging assaults by prison staff and issues related to a strip search. He then submitted four more forms the following month, saying that his concerns had not been investigated.

In response to the complaint, the governor told Mr C that the allegations of assault had been referred to the police for investigation. However, because the police did not take matters further due to insufficient evidence, the prison did not undertake a local investigation.

We upheld Mr C's complaint as our investigation found that, although the police investigation did not find enough evidence to pursue criminal actions, the governor had not clearly demonstrated that the prison had dealt with the complaints. We were critical that despite submitting eight complaint forms directly to the governor, it had not been properly explained to Mr C - or to us - whether staff handled him in accordance with the prison rules, and their control and restraint guidance.

### Recommendations

We recommended that Scottish Prison Service:

- investigate whether or not staff handled Mr C in line with the prison rules and their control and restraint manual;
- investigate Mr C's allegations that nursing staff were present during a strip search and whether this was in accordance with the prison rules and their standard operating procedure for conducting searches; and
- draw our findings to the governor's attention to ensure that complaints are fully investigated and responded to.