

SPSO decision report

Case: 201407446, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: escorting services
Outcome: upheld, recommendations

Summary

Mr C was escorted to the sheriff court by an escorting agency which provides all custody and court escorting services on behalf of the Scottish Prison Service (SPS). He said that when he arrived, the escorting officers were instructed to keep him double cuffed. This meant that Mr C had one set of cuffs linking his wrists and a second set linking one of his wrists to an officer's wrist. Mr C said he remained in double cuffs until he was returned to prison. Because of that, Mr C complained that the agency held him in double cuffs for an unreasonably long period of time. In addition, he said they failed to carry out any risk assessment.

The agency told Mr C that every prisoner would be risk assessed throughout the day. They said the assessment would consider information supplied to them by partner agencies and could also include known behavioural factors from previous times when held in custody by the agency.

We reviewed the relevant operational instructions which confirmed that prior to taking a decision to hold a prisoner in double cuffs, a risk assessment should be carried out to assess whether they are required. In addition, the instructions confirmed that if an assessment indicates that double cuffs are required, permission should be sought from the sheriff. In Mr C's case, no evidence was offered by the agency to suggest that the relevant risk assessment or the appropriate permission was sought prior to taking the decision to hold him in double cuffs. Therefore, we upheld Mr C's complaints.

Recommendations

We recommended that SPS:

- apologise to Mr C, on behalf of the agency, for the failures that our investigation highlighted; and
- remind the agency of the requirement to make an appropriate record of any risk assessment carried out and permission sought when taking the decision to hold a prisoner in double cuffs at court.