

SPSO decision report

Case: 201700223, Scottish Prison Service
Sector: Scottish Government and devolved administration
Subject: personal property
Decision: not upheld, no recommendations

Summary

Mr C said that other prisoners had given him items of property when they were leaving the prison, but that prison staff had taken the items from him and disposed of them. Mr C complained about this and said that this was, in effect, prison staff stealing his belongings.

We found that the prison rules gave prison staff the authority to search cells and seize unauthorised property. In the prison's view, the items found in Mr C's cell were unauthorised property, within the definition given in the prison rules, rather than authorised personal property. The prison rules also gave prison staff the authority to dispose of or destroy unauthorised property.

We determined that prison staff were acting appropriately within the discretion given to them by the prison rules in searching Mr C's cell, seizing unauthorised property, and disposing of it. We did not uphold Mr C's complaint.