

## SPSO decision report

**Case:** 201407060, Scottish Prison Service  
**Sector:** Scottish Government and devolved administration  
**Subject:** escorting services  
**Outcome:** upheld, recommendations

### Summary

Mr C was taken into his trial at the sheriff court whilst wearing double cuffs. This meant Mr C was wearing one set of cuffs to link his wrists together and a second set linking one of his wrists to the escorting officer's wrist. Mr C complained that the escorting agency inappropriately failed to seek permission to double cuff him. He said the agency also failed to provide an appropriate response to his complaint.

An agency provides all custody and court escorting services on behalf of the Scottish Prison Service (SPS). That agency's operational instructions confirm that handcuffs in sheriff and jury trials will normally not be allowed. However, where a risk assessment dictates that handcuffs should be applied, the appropriate paperwork should be completed and forwarded to the clerk of court for approval by the sheriff. The instructions also confirm that the outcome of the request should be appropriately recorded. In Mr C's case, the SPS were unable to provide any evidence to show us that a risk assessment had been carried out prior to the decision taken to hold Mr C in double cuffs during his trial. Therefore, it was not clear why the decision was actually taken. In addition, there was no evidence available to confirm that the request was approved by the sheriff. We also concluded that the agency did not respond appropriately to Mr C's complaint because they failed to establish the facts in his case and because of that, it was unclear what had actually happened.

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;
- remind the agency to ensure that appropriate records are kept to evidence that proper process has been followed prior to taking a decision to hold a prisoner in double cuffs during a trial; and
- provide feedback to the agency in relation to good practice when investigating and responding to complaints from prisoners.