

Email 1 btw SPS and SG

From: [redacted]

Sent: 29 October 2021 10:35

To: [redacted];

Cc: [redacted]

Subject: FW: Cab Sec/CEO SPS Meeting- 27/10/21

Hi [redacted]

Sharing these brief notes from [redacted] on the above. We just wanted to check in with you about no 2 in particular- our thoughts are that this would what SPS would brief CS on via instructions from SPS Legal Services team to SGLD. You will be better placed to provide a note on the amend of Prison Rule procedure and are no doubt discussing a possible slot with SGLD? We would of course be happy to do so but didn't want to proceed with checking first.

Grateful if you could confirm?

Many thanks

[redacted]

Email 2 (Extract from email 2 28/10/21)

From: [redacted]

Sent: 28 October 2021 19:13

To: [redacted]

Cc: [redacted]

Subject: Cab Sec/CEO SPS Meeting- 27/10/21

All

2. HMP Shotts/HMP Addiewell – issues highlighted in correspondence discussed in detail with operational perspective and update provided. Cab Sec keen to see progress on photocopying of mail and what the process was around change of prison rules required. [redacted] updated around SSI procedure around change.(was all taken from the SGLD Sub around last Prison rule change) Cab Sec – asked for short note around the procedure. Action – Prison Policy Team to request from SGLD.

Email 3 (Extract from email 3 01/11/21)

From: [redacted]

Sent: 01 November 2021 16:29

To: [redacted]

Subject: URGENT - Topical PQ - S6T-00245 - Due 9.30 Tomorrow

Importance: High

Hi there

We have had the Topical PQs through for this week and I think this one may be for your area.

The PQ is due with MPO by 09:30 tomorrow morning

The reason for such an early deadline is so the answer can be discussed at cabinet ahead of being answered in the Chamber tomorrow afternoon. If it is for your area who can we allocate it to?

The Topical PQ is

2. Russell Findlay: To ask the Scottish Government what its response is to reports that six prisoners overdosed on drugs in two days at HMP Shotts.

We know sometimes areas like to discuss who will answer, content of answer etc before coming back to us, but with such a tight deadline can you confirm it has been picked up and is under consideration?

Take care

[redacted]

Attachment: Extract from Email 3 attachment

Question (Russell Findlay MSP – Scottish Conservative and Unionist Party):

Q. Why is the prison service not photocopying mail to stop drug soaked items reaching prisoners?

This is, of course, something we are looking at but prisoners' rights - determined through court judgements- around the handling of their correspondence are an importance consideration. I understand that the Chief Executive of Scottish Prison has written to you and offered a meeting to discuss the issues involved. I very much hope you will be able to take this offer up.

Email 4 (Extract from email 4 02/11/21)

From: [redacted] > **On Behalf Of** Cabinet Secretary for Justice and Veterans

Sent: 02 November 2021 12:48

To: Cabinet Secretary for Justice and Veterans; [redacted]

Cc: [redacted]; Minister for Drugs Policy; Director of Justice; [redacted] ; Minister for Community Safety;[redacted]

Subject: RE: Topical Question - 2 November - S6T-00245- answer and background note (plus known supp)

Hi [redacted]

Couple of questions:

1. Were SPS looking at this issue before it was raised by Russell Findlay?

Yes, prison service officials have advised that SPS were already actively considering the routine photocopying of prisoner correspondence as part of their tactical response to tackling illicit drugs entering the prison estate.

Email 5 (Attachment only - all other email trail already included above)

Question (Russell Findlay MSP – Scottish Conservative and Unionist Party):

To ask the Scottish Government what its response is to reports that six prisoners have overdosed on drugs in two days at HMP Shotts. (S6T-00245)

ANSWER:

I am aware of the concerns raised by recent incidents at Shotts Prison and am receiving daily updates from the Scottish Prison Service to monitor the situation. The use of illegal drugs in prisons cannot be tolerated and the prison service have a comprehensive range of robust security measures in place to prevent the introduction of contraband entering our prisons.

I am pleased to confirm today that after detailed operational consideration, the decision has been taken to implement photocopying of general correspondence. This change does require bringing forward a Prison Rule change which will allow Criminal Justice Committee Members the opportunity to consider the statutory instrument. I hope that the amendments required to the Prison Rules will be laid later month, and subject to Parliamentary scrutiny, the changes would come into force 28 days later.

SPS continue to seek innovative technological solutions in order to detect, deter and reduce the availability of contraband entering our prisons to ensure the safety of staff and those within its care.

POAS Shotts Branch Correspondence

This question is likely to have generated from correspondence to the Cabinet Secretary from HMP Shotts POAS branch chairperson (of 14 Oct above) regarding a range of issues most notably concerns about prisons officers handling prisoner property which has been identified via a Rapiscan having been in contact with an unknown substance.

It contains a series of exchanges between [redacted] and SPS corporates services regarding this issue and other operational concerns about staffing patterns etc. [redacted] copied the correspondence to Pauline McNeil MSP.

Russell Findlay MSP wrote to you on 21 October noting he has sight of the POAS Shotts branch correspondence which cites staff are experiencing "the lowest morale we have ever seen" and that a lack of work for prisoners "is exacerbating the current situation of unrest". These two experienced officers use the word "chaotic" to describe the environment and say that "staff have been overwhelmed with unprecedented levels of drug abuse". This rampant drug taking has "resulted in far too many deaths" (suggesting there have been eight in as many months) and lead to a rise in assaults on both staff and prisoners. They further state that Shotts is experiencing "by far the worst level of deaths", which is having a detrimental impact on the mental health of staff.

Mr Findlay has subsequently went to the press regarding the correspondence. He has also consistently raised the issue of calls for the prison service to implement the routine photocopying of prisoner correspondence. He first raised this with you at the the Criminal Justice Committee of 1 September and has followed up with correspondence and Justice Portfolios.

PHOTOCOPYING OF PRISONER CORRESPONDENCE- WHY SO LONG TO ACTION?

Q. I have raised the need for implementation of photocopying of mail since August. What has taken so long?

The prisons service has been prioritising this. A range of operational and legal considerations have been into account. The Member will appreciate that if the prison service are to do this, it must be done right.

It is important to note that this must take account of prisoners' rights - determined through court judgments- around the handling of their correspondence, which is a fundamental consideration.

As I have noted, the expectation from SPS is that they will lay the changes to the Prison Rules within November with the changes coming into force 28 days later subject to Parliamentary scrutiny.

I understand that the Chief Executive of Scottish Prison has written to you and offered a meeting to discuss all of the considerations involved. I very much hope you will be able to take this offer up.

Email 6

OFFICIAL

From[redacted]

Sent: 02 November 2021 09:48

To: [redacted]

Subject: RE: Topical- draft background note [SEC=OFFICIAL]

All

Cab Sec wanted initial answer much stronger – so have amended and included the decision around photocopying mail. Can colleagues confirm that they are content with this please.

We need to ensure we have a supplementary around the time taken to get to this decision and work that has taken place – [redacted] and team are on it.

Can [redacted] also confirm if POA are sighted on this and if so what is their reaction? SPS work in partnership with POA(S) and officials are aware of the intention to amend Prison Rules for general correspondence. This has been positively received.

Quote in Daily Record this morning from John Cairney (Chair) states

“Scottish Prison Service (SPS) are aware of our position and in the discussions we have had when them it is clear they also share this concern for their staff. In fact, they have already invested in new technology, although the problem is still real and getting worse.

“New ways of eradicating this situation are already under discussion and will be shared when possible.”

<https://www.dailyrecord.co.uk/news/scottish-news/prison-union-warns-psychoactive-drugs-25349968>

Many thanks as ever. [redacted]

[redacted – duplicate of answer to Russell Findlay, included earlier]

From: [redacted]
Sent: 02 November 2021 08:56
To: [redacted]
Subject: RE: Topical- draft background note [SEC=OFFICIAL]

OFFICIAL

All, see below.

OFFICIAL
From: [redacted]
Subject: RE: Topical- draft background note

Thanks [redacted]

In meet at moment now- few things arisen:

1. Cab Sec needs stronger lines. [redacted] – we discussed last night. He is keen to confirm that SPS will copy mail – and produce some timeline around this. [redacted] was working on this – so could you confirm please asap? In topical PQ

2. Could SPS provide a daily update- starting today to Cab Sec please around issues at HMP Shotts- we will say in the body of the main answer that this is happening. Short update in background of topical PQ. If you need more let me know.

Kind Regards
[redacted]

Email 7

From: [redacted]
Sent: 01 November 2021 16:29
To: [redacted]
Cc: [redacted]
Subject: URGENT - Topical PQ - S6T-00245 - Due 9.30 Tomorrow
Importance: High

[Extract - as body of mail already included earlier]

Attachment - Extract:

Question (Russell Findlay MSP – Scottish Conservative and Unionist Party):

To ask the Scottish Government what its response is to reports that six prisoners have overdosed on drugs in two days at HMP Shotts. (S6T-00245)

Draft answer:

I am aware of the concerns raised by recent incidents at Shotts Prison and am liaising closely with the Chief Executive of the Scottish Prison Service about this . Our prison estate holds increasingly complex and challenging populations and we recognise the importance of providing a safe and secure environment for those in custody and those working in our prisons.

The use of illegal drugs in prisons cannot be tolerated and the prison service have a comprehensive range of robust security measures in place to prevent the introduction of contraband entering our prisons.

SPS continue to seek innovative technological solutions in order to detect, deter and reduce the availability of contraband entering our prisons to ensure the safety of staff and those within its care.

Q. Why is the prison service not photocopying mail to stop drug soaked items reaching prisoners?

The decision has been taken to implement photocopying of general correspondence however this has to move through parliamentary processes to allow this to take place. It is important to note that this must take account of ~~This is, of course, something we are looking at but~~ prisoners' rights - determined through court judgements- around the handling of their correspondence which is an ~~are an~~ important consideration. The expectation from SPS is that they will lay the changes to the Prison Rules within November with the changes coming into force 28 days later. I understand that the Chief Executive of Scottish Prison has written to you and offered a meeting to discuss the issues involved. I very much hope you will be able to take this offer up.

Email 8

From: [redacted]

Sent: 24 September 2021 16:05

To: Cabinet Secretary; [redacted]

Cc: [redacted]

Subject: RE: Prison Rules coronavirus amendment-evidence to CJ Committee

[SEC=OFFICIAL]

[redacted]

Please see attached:

- Background Note; and
- Speaking Note and FAQ Document.

Kind Regards

[redacted]

Extract of Attachment to Email 8

16 Sept: Russell Findlay MSP wrote to Mr Brown asking that urgent consideration be given to photocopying prisoners mail to reduce drug prevalence after raising the issue at Criminal Justice Committee on 16/09 and Justice Portfolio Questions on 15/09.

16 Sept: Media citing HM Chief Inspector of Prisons Wendy Sinclair-Gieben calls at Criminal Justice Committee for SPS to photocopy prisoners mail as one way of tackling drugs getting into prisons.

CALL FOR PHOTOCOPYING OF PRISONER MAIL

The prison service is actively exploring the possibility of photocopying general mail across the prison estate and is assessing the full impact of such a proposal including legal implications.

- I am aware that the Cabinet Secretary for Justice and Veterans responded to Russell Findlay MSP's letter on this issue last week and also provided a written update to the Criminal Justice Committee's Convenor and HM Chief Inspector of Prisons.
- The prison service continue to seek innovative technological solutions in order to detect, deter and reduce the availability of contraband entering our prisons to ensure the safety of staff and those within its care.
- A range of robust security measures are currently in place to prevent the introduction of contraband entering our prisons. It is a continuously evolving area which requires dynamic assessment and response.
- Rapiscan machines, which specifically assist in detecting substances which may have been concealed in items of mail and personal property, are currently in use in every prison in Scotland and contingency plans are also in place should any machine break.
- It is regrettable that, despite robust security processes, some persons involved with attempting to introduce illicit substances into prisons are ultimately successful in bypassing these security measures.
- SPS and Police Scotland continue to work closely to share information to prevent the introduction of illicit substances, detect and disrupt Serious Organised Crime and seek convictions where appropriate.

Email 9

Thu 23/09/2021 09:11

[redacted] on behalf of; Cabinet Secretary for Justice and Veterans

To: Cabinet Secretary for Justice and Veterans; [redacted]

Cc: [redacted]

Hi [redacted]

All letters have now issued, please see attached PDF's for your records.

[redacted]



Correspondence
from the Cabinet Se



Correspondence
from the Cabinet Se



Correspondence
from the Cabinet Se

Thu 23/09/2021 08:26

[redacted] on behalf of CabSecJV

To [redacted]

Cc [redacted]

[redacted]

The Cabinet Secretary is content with the letters and for them to issue, I will get them ready and issue shortly.

[redacted]

[redacted] - Private Secretary to Cabinet Secretary for Justice & Veterans – Keith Brown

From: [redacted]

Sent: 22 September 2021 14:30

To: Cabinet Secretary for Justice and Veterans;

Cc: Director of Justice; Teresa Medhurst; [redacted]; Minister for Community Safety; [redacted]

Subject: IMMEDIATE- Correspondence- Response to Russell Findlay MSP- photocopying of prisoner mail plus CJ Committee and HMCIPS letter- Sept 2021

Importance: High

PO

As agreed last week, with thanks to collaboration with SPS colleagues, I attach a draft response to Mr Findlay for the Cabinet Secretary's consideration.

In addition to the issues raised regarding the routine photocopying of mail we thought it would also be an opportunity to set out a response to recent media etc on mobile phone tampering.

We also suggest that the Cabinet Secretary provides a copy of the letter to the Convenor of the Criminal Justice Committee and HM Chief Inspector of Prisons given the Parliamentary interest in both these issues last week at Portfolios and the evidence sessions of the Criminal Justice Committee. I attach 2x cover letters to HMCIPS and the Convenor for that purpose.

The response to Mr Findlay should be appended to the cover letters.

We'd be grateful if these could be issued **before FMQs tomorrow morning**. Please don't hesitate to get in touch if you have any questions regarding any of this.

Subject to the Cabinet Secretary's consideration, grateful if you could advise when issued.

[redacted]

Attachment

Keith Brown MSP
Cabinet Secretary for Justice and Veterans
The Scottish Government
By email - CabSecJV@gov.scot

16 September 2021

Dear Mr Brown

On 1 September at the meeting of the Criminal Justice Committee I raised with you the issue of drugs being smuggled into prisons through mail.

HMP Edinburgh and other prison staff tell me that during lockdown, when prisoners were receiving photocopies of mail due to Covid restrictions, drugs prevalence and use amongst prisoners fell significantly.

When restrictions ended, prisoners began to receive their physical mail again and staff saw an immediate and significant rise in drugs misuse. Seven ambulances were called to the prison in one day to deal with prisoners who had suffered suspected adverse effects from drug taking – a monumental drain on our crisis-stricken ambulance service.

You expressed a willingness to consider making the photocopying of mail a permanent arrangement. Two weeks later, I raised this with you again yesterday in the chamber. You again indicated a willingness to consider this idea.

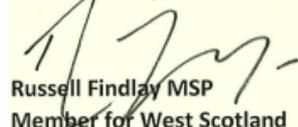
However, it strikes me that this should be implemented across without any further delay, not least in light of the ITV News reports revealing the use of 'tamper-proof' phones introduced by the Scottish Government being used to deal drugs in prisons. The ambulance crisis further exacerbates this urgent need.

Vulnerable offenders' chances of staying clean and avoiding the revolving door of reoffending are greatly diminished by the widespread availability of illicit substances in prisons.

Prison staff, who do an incredible job, are also being put in unnecessary additional danger by the failure to stem the primary route of drugs inside – that is, by items of paper in the mail.

Given the urgency of this matter, I would appreciate immediate action and, if that is not possible, a full explanation as to why not.

Yours sincerely



Russell Findlay MSP
Member for West Scotland
Shadow Minister for Community Safety

Attachment

Wendy Sinclair-Gieben
HM Chief Inspector of Prisons for Scotland
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

By email:

Wendy.Sinclair-gieben@gov.scot

Your ref: «Yourref»
Our ref: «Ourref»
«Date»

ROUTINE PHOTOCOPYING OF PRISONER MAIL

During the Criminal Justice Committee session of 15 September you called for consideration of the routine photocopying of prisoner letter . Russell Findlay MSP recently wrote to me seeking an update on that. I attach the response which you may find helpful.

Russell Findlay MSP
Member for West Scotland
The Scottish Parliament
Edinburgh
EH99 1SP

By email:

Russell.findlay.msp@parliament.scot

Your ref: «Yourref»
Our ref: «Ourref»
«Date»

ROUTINE PHOTOCOPYING OF PRISONER MAIL

Thank you for your letter of 16 September seeking an update on the proposal to routinely photocopy prisoner's general mail in order to mitigate against the risk of psychoactive substances entering the prison estate.

We are aware that drug misuse in Scottish Prisons has changed over the last few years, evolving from well-known and readily identifiable controlled substances such as heroin, cocaine, cannabis and prescribed medication(s). Whilst these are still a factor, the emergence of 'novel' psychoactive substances (PS) in 2018 has seen a significant shift in what drugs we believe are being used by those in our care.

As you rightly raised during the Committee session and Portfolios last week, there is emerging evidence that shows that this type of drug is being introduced through the use of paper sent through the mail system. I am advised by Teresa Medhurst, Interim Chief Executive of SPS, that preparatory work into exploring the implications of a change into how we conduct SPS mail processes is well underway. This work involves assessing the full impact, risk assessment, legal implications and operational requirements associated with a change in how individuals' mail is handled.

Once an options appraisal has been reviewed, and an option endorsed the prison service will be in a better position to advise on the next steps with regards to mail handling. It is likely that this would require a legislative change to the Prison Rules. I have asked Teresa Medhurst to keep me updated on developments.

The Scottish Prison Service recognises the importance of providing a safe and secure environment for those in its care, as well as for the men and women who work in our prisons. As such, tackling the use of illicit drugs remains a priority for the prison service. In addition to consideration of the above, the prison service have undertaken the following actions in response to this overall issue;

- Rapiscan machines, which specifically assist in detecting substances which may have been concealed in items of mail and personal property, are in use in every prison in Scotland and contingency plans are also in place should any machine break.
- Testing by Dundee University has found that Rapiscan equipment is particularly effective in detecting the presence of psychoactive substances and other substances. Work is ongoing with Rapiscan to ensure that when new strains of psychoactive substances are detected, then the machines can be updated to ensure they continue to be effective in drug identification. These machines have already proved successful in reducing the volume of contaminated paper entering prisons.
- The prison service continue to seek a range of innovative technological solutions in order to detect, deter and reduce the availability of contraband entering our prisons to ensure the safety of staff and those within its care.
- It is regrettable that, despite robust security processes, some individuals are ultimately successful in bypassing these. SPS and Police Scotland continue to work closely to share information to prevent the introduction of illicit substances and seek convictions where appropriate.
- SPS' Strategy Framework for the Management of Substance Misuse in Custody reflects the aims and objectives of the Scottish Government's National Drug and Alcohol Strategies. It embraces the principles of recovery to reduce the harm caused by drug use.

- SPS has established a Drug and Alcohol Strategy Steering (DASS) group. It is a multi-agency group responsible for co-producing a revised Substance Misuse Strategy, which reflects the aims and objectives of Scottish Government's National Alcohol and Drug Treatment Strategy – Rights, Respect and Recovery.
- The DASS group monitor and analyse all management information and intelligence to provide a greater understanding of trends in drug use in Establishments in Scotland and this information will inform policy development.
- The strategy will focus on robust security systems to divert, disrupt, detect and deter the supply of illicit substances while creating an environment and culture which supports recovery for those with problematic drug use.
- The DASS will develop education packages for those in custody to reduce and prevent harm from drugs and alcohol in custody and in the community, and develop training for staff so they have the knowledge and skills to support those with drugs and alcohol problems.

MOBILE PHONES

In your correspondence you also note the issue of mobile phone tampering. As you and other Members of the Criminal Justice Committee will be aware, the provision of mobile phones, in the absence of in-person contact with loved-ones over sustained periods of time, has been vital in addressing the negative impacts of COVID-19 in our prisons for staff, prisoners and families impacted by imprisonment. The Scottish Prison Service has been working throughout the pandemic with the mobile phone service provider identifying security issues as they arise and resolving them.

Once SPS became aware of illegal SIM cards entering prisons, a technological solution was identified that allowed them to blacklist handsets on various network providers which prevents them being used with another SIM. This approach has been employed since mid-July.

The actions the prison service took at pace to introduce mobile phones and access to video conferencing technical in the early months of the pandemic in order to maintain essential family contact, including with children have been widely welcomed by staff prisoners and stakeholders. The vast majority of the 10,370 phones issued have been used as intended with just over one million calls made to pre-approved numbers, including around ten thousand calls to the Samaritans service.

The prison service will continue to robustly monitor any illicit use of mobile phones and work with Police Scotland to deal with the issues appropriately.

I trust this update is helpful. I have also provided the Convenor of the Criminal Justice Committee and HM Chief Inspector Prisons for Scotland with a copy of this response.

Audrey Nicoll MSP
Criminal Justice Committee Convener
The Scottish Parliament
Edinburgh
EH99 1SP

By email:

Your ref: «Yourref»
Our ref: «Ourref»
«Date»

ROUTINE PHOTOCOPYING OF PRISONER MAIL

Russell Findlay MSP has recently wrote to me seeking an update on calls for the routine photocopying of prisoner mail in order to minimise the risk of psychoactive substances entering the prison estate.

This and the issue of mobile phone tampering were also raised during the Criminal Justice Committee session of 15 September and Justice portfolio Parliamentary Questions of the same day.

I attach the response to Mr Findlay which other Members of the Criminal Justice Committee may also find informative.

Email 10

Wed 27/10/21 16:28
From: Cabinet Secretary for Justice and Veterans
To: [redacted] SPS

Good Afternoon

Please see attached correspondence from the Cabinet Secretary for Justice for your attention.



Correspondence
from the Cabinet Se

Regards
[redacted]

Email 11

Wed 27/10/2021 16:45

From: Cabinet Secretary for Justice and Veterans

Re: Immediate – HMP Shotts POAS Branch Correspondence

To: [redacted]

Cc: [redacted]; SPS

The Cabinet Secretary has noted and content with the letters. Please see attached for your records.

The separate MiCase to [redacted] will be issued via the system.

Thanks

[redacted]

Private Secretary to Cabinet Secretary for Justice & Veterans – Keith Brown

Extract from email 25/10/21

From: [redacted]

Sent: 25 October 2021 14:49

To: Cabinet Secretary for Justice and Veterans

Cc: Director of Justice; [redacted] Teresa Medhurst

Subject: Immediate - HMP Shotts POAS Branch Correspondence

Importance: High

PS/Cabinet Secretary for Justice and Veterans

The Cabinet Secretary has received emailed correspondence from HMP Shotts POAS branch chairperson (of 14 Oct above) regarding a range of issues most notably concerns about prisons officers handling prisoner property which has been identified via a Rapiscan having been in contact with an unknown substance. It contains a series of exchanges between [redacted] and SPS corporates services regarding this issue and other operational concerns about staffing patterns etc. [redacted] copied the correspondence to Pauline McNeil MSP.

We understand [redacted] has also subsequently sent the correspondence and exchanges to Russell Findlay MSP who has wrote to the Cabinet Secretary on 21 October (marked urgent and also attached).

Advice

We have agreed a suggested approach with Teresa Medhurst and senior justice officials and attach letters of response to [redacted], Pauline McNeill and Russell Findlay MSPs for the Cabinet Secretary's consideration.

Given these are copied to Criminal Justice Committee Members we advise that these are sent asap- **today if possible or as soon as possible thereafter.**

The responses highlight that the issues raised are operational matters but that SPS officials will respond to [redacted] as a matter of priority (ensuring the Cabinet Secretary is sighted on the full response and therefore aware of how the issues will

be addressed). Mr Findlay has highlighted the correspondence further escalates the need for the consideration of the photocopying of prisoner correspondence.

Thanks,
[redacted]

(all attachments added earlier in response)

Email 12 – Extract from email 12 -24/10/21

Sun 24/10/2021 21:26

From: [redacted]

Correspondence from [redacted]

To: SPS

Cc: [redacted]

Teresa

We discussed with approach with Neil on Friday. We now have letters and advice all ready to go as keen to get them all issued Monday at some point if possible.

[Redacted content – not relevant to query]

Cheers as ever

[redacted]

Advice

We have agreed a suggested approach with Teresa Medhurst and senior justice officials and attach letters of response to [redacted], Pauline McNeill and Russell Findlay MSPs for the Cabinet Secretary's consideration. Given these are copied to Criminal Justice Committee Members we advise that these are sent asap- **today if possible or as soon as possible thereafter.**

The responses highlight that the issues raised are operational matters but that SPS officials will respond to [redacted] as a matter of priority (ensuring the Cabinet Secretary is sighted on the full response and therefore aware of how the issues will be addressed). Mr Findlay has highlighted the correspondence further escalates the need for the consideration of the photocopying of prisoner correspondence.

Email 13 -extract from email 13 19/10/21

From: [redacted]

Sent: 19 October 2021 16:55

To: Minister for Community Safety

Cc: [redacted] Cabinet Secretary for Justice and Veterans

Subject: FOR MINISTERIAL CLEARANCE: Ambulance calls to prisons re drugs - Various media

Ms Regan's PO for clearance:
Ms Constance's PO for awareness:
(Also copied to Mr Brown and Mr Yousaf's PO for awareness):

Background

The possibility of photocopying general mail across the prison estate to prevent illicit drugs entering the estate is currently being explored by the prison service and they are assessing the full impact of this proposal, including legal implications.

Justice Secretary Keith Brown recently responded to Russell Findlay MSP on the issue and also provided a written update to the Criminal Justice Committee's Convenor and HM Chief Inspector of Prisons.

Email 14

From: [redacted]
Sent: Friday, October 1, 2021 6:07:30 PM
To: CabSecJV@gov.scot
Cc: [redacted]
Subject: CAB SEC CLEARANCE - prison mail/drugs - sunday mail

Good evening Cab Sec, PO,

We've been approached by the Sunday mail seeking comment on MSP Russell Findlay's claims that he has challenged Ministers 4 times on why mail going into prisons isn't being photocopied to stop drug soaked paper being smuggled in. Further claiming that mail was photocopied during lockdown, but is not any more.

I'd be grateful for Mr Brown's clearance to issue the below response, agreed with SpAds and officials.

A Scottish Government spokesperson said:

"The Cabinet Secretary for Justice and Veterans responded to Russell Findlay MSP's letter on this issue last week and also provided a written update to the Criminal Justice Committee's Convenor and HM Chief Inspector of Prisons.

"The prison service have a range of robust security measures in place to prevent contraband entering our prisons and to ensure the safety of staff and those within its care. It is a continuously evolving area which requires dynamic assessment and response.

"The possibility of photocopying general mail across the prison estate is currently being explored by the prison service and they are assessing the full impact of this proposal, including legal implications."

Many thanks, [redacted]
From: [redacted]
Sent: 01 October 2021 15:16

To: [redacted]
Subject: sunday mail

Hi [redacted]

One more I meant to mention

MSP Russell Findlay has claimed he has challenged ministers four times on why mail going into prisons isn't being photocopied to stop drugs soaked paper being smuggled. Findlay says he hasn't had an adequate response despite drug deaths in prisons being common and street valium being frequently smuggled in this way.

Apparently mail was photocopied during lockdown, but is not any more.

Hoping you can comment

Email 15 – extract of email 15 24/09/21

Frid 24/09/2021 11:13

From [redacted]

Meeting with Cabinet Secretary and Teresa Medhurst 23 Sept 2021 – brief note

To: [redacted]

Cc: SPS [redacted]

O/S: [redacted] and PO

A quick note of yesterday's meeting copied to SPS colleagues. Im sure Teresa can advise if I have missed anything.

Summarised the position on photocopying of prisoner mail. Noted consideration of this had commenced well before raised by HMCIPS and Russell Findlay at recent Committee appearance. Legal and operational considerations underway. Teresa gave examples of need to consider unintended consequences most notably for children's mail and mail of "significant events" e.g. birthdays etc (UNCRC and children's rights etc). Also practical implications such as storage of personal property (and needing to mitigate people being release with large stack of mail with potential APS) and legally privileged mail implications.

[Rest of email redacted as outwith scope of FOI]

Email 16

Thu 16/09/2021 10:49

From: SPS

FW: Immediate – prisons FMQ due 10:30 – photocopying mail [SEC=OFFICIAL]

To: [redacted]

Cc: [redacted]

Morning [redacted]

Please find below suggested lines from SPS:

TAKLING ILLICIT SUBSTANCES ENTERING PRISONS

SPS continue to seek innovative technological solutions in order to detect, deter and reduce the availability of contraband entering our prisons to ensure the safety of staff and those within its care.

- SPS is actively exploring the introduction of photocopying general mail across the prison estate.
- SPS is currently assessing the full impact, risk assessment, legal implications and requirements associated with introducing this security measure.
- The introduction of photocopying of general prison mail would require amendments to the Prisons and Young Offenders Institutions (SCOTLAND) Rules 2011.
- A range of robust security measures are currently in place to prevent the introduction of contraband entering our prisons. It is a continuously evolving area which requires dynamic assessment and response.
- Rapiscan machines, which specifically assist in detecting substances which may have been concealed in items of mail and personal property, are currently in use in every prison in Scotland and contingency plans are also in place should any machine break.
- It is regrettable that, despite robust security processes, some persons involved with attempting to introduce illicit substances into prisons are ultimately successful in bypassing these security measures. SPS and Police Scotland continue to work closely to share information to prevent the introduction of illicit substances, detect and disrupt Serious Organised Crime and seek convictions where appropriate.

Thanks

From: [redacted]

Sent: 16 September 2021 08:39

To: [redacted]

Cc: [redacted]

Subject: Prisons FMQ due 10:30am

Importance: High

Good morning,

Thanks for providing the attached brief for today's FMQs. Could you update the brief with lines on HMI recommendation re photo-copying of mail (as reported below)

please? Grateful if you could also remove some older material unlikely to be raised with FM today - or anything already covered in the prison phones and deaths in prison custody briefs please.

Apologies for the deadline but we will need this back by 10.30am please.

Daily Mail (Scotland) 23 **Stop inmates getting drug-soaked letters... photocopy their mail** PRISONERS should have their mail photocopied to stop them receiving letters soaked in drugs, inspectors have said. Wendy Sinclair-Gieben, Her Majesty's Chief Inspector of Prisons for Scotland, yesterday warned that drugs remain a huge problem in prisons across the country. She was speaking to Holyrood's criminal justice committee which also heard from the Scottish Prison Service (SPS) that 'unhackable' phones given to prisoners had allowed them to buy drug

Many thanks,

Email 17

Sent: 01 November 2021 16:32

To: [redacted]

Cc: [redacted]

Subject: FOR SpAd VIEW: Media Query Shotts overdose cases - Wishaw Press

Hi [redacted]

We've had a query in from the Record about overdoses at Shotts prison.

The lines in response, below, are edited from a previous approved statement by the Minister issued at the weekend.

As there are no new updates, are you happy for us to issue this under SpAd clearance?

Thanks

[redacted]

A Scottish Government spokesperson said:

"The prison service has robust security measures in place to prevent contraband entering our prisons and to ensure the safety of staff and those within its care. The consideration of the routine photocopying of prisoner correspondence as a possible means of preventing drugs entering the prison estate continues to be taken forward as a matter of operational priority by the prison service."

Background

A response has been issued to Mr Russell Findlay MSP.

ISSUE

I'm sure colleagues are aware, but the Record has today lead on a story about a number of prisoners at HMP Shotts being taken to University Hospital Wishaw at the

weekend after taking illicit drugs, thought possibly to be the synthetic cannabinoid chemicals used in "spice".

There have also been a record number of deaths in custody at Shotts this year, with a number already confirmed as drug-related and others pending.

Russell Findlay has also posted a video on Twitter claiming Cab Sec refused to meet with prison staff members to hear their concerns over drugs in the prison. He also accused the Justice Secretary of "dithering".

Email 18

Fri 29/10/2021 14:25

For Spad view - media query – Deaths in HMP Shotts - from The Times

From: [redacted]

To: [redacted]

Cc: [redacted]

SpAds

We have a follow up media query from the Times, below, about a letter, attached, to Cab Sec for Justice from Russell Findlay MSP.

Are you content to reissue this statement, below, in response.

Thanks

A Scottish Government spokesperson said:

“A response has been issued to Mr Russell Findlay MSP. We recognise that prison officers work in a difficult and intensive environment due to an increasingly complex prison population. The prison service provides a range of measures and interventions for staff who require them, including occupational health support and access to counselling services.

It also has robust security measures in place to prevent contraband entering our prisons and to ensure the safety of staff and those within its care. The consideration of the routine photocopying of prisoner correspondence as a possible means of preventing drugs entering the prison estate continues to be taken forward as a matter of operational priority by the prison service.”

Email 19

Mon 25/10/2021 20:47

For cab Sec clearance: - Shotts prison letter – Daily Express

From: [redacted]

To: [redacted]

Cc: [redacted]

The Cabinet Secretary has noted and is content for his interests saying it would be to see some progress from SPS on the photocopying issue.

Mon 25/10/2021 19:47

For cab Sec clearance: - Shotts prison letter – Daily Express

From: [redacted]

To: [redacted]

Cc: [redacted]

Copying late duty comms; Grateful if PO can come back on this part of the email chain.

Mr Brown's PO for clearance:

Ms Regan copied for awareness:

Very grateful for consideration of lines agreed by SPAD, policy and comms in relation to a query from the Daily Express. It has asked about the attached letter sent by Russell Findlay MSP to Cab Sec Justice – from prison officers who claim morale is low and that a lack of work for prisoners is exacerbating the situation. There are claims too of widespread drug misuse.

Mr Findlay has also issued the following quotes: “This damning warning from experienced prison officers should be a wakeup call to the SNP government.” Grateful if PO can assist with signalling Mr Brown's view of the handling.

SG said:

“We recognise that prison officers work in a difficult and intensive environment due to an increasingly complex prison population. The prison service provides a range of measures and interventions for staff who require them, including occupational health support and access to counselling services.

“It also has robust security measures in place to prevent contraband entering our prisons and to ensure the safety of staff and those within its care. The consideration of the routine photocopying of prisoner correspondence as a possible means of preventing drugs entering the prison estate continues to be taken forward as a matter of operational priority by the prison service.”

Email 20

Thu 21/10/2021 12:37

FW: Letter to Cabinet Secretary for Justice & Veterans - HMP Shotts – URGENT

To: Cabinet secretary for Justice & Veterans

Cc: [redacted]

Thanks [redacted]

This also relates to correspondence which came in last week from [redacted] at HMP Shotts to the Cabinet Secretary also copied to Pauline McNeil MSP. We were going to compile a brief response to that previous correspondence and suggest it stays off micase and a short response about operational matters issues from PO. However in light of this letter from Mr Findlay, we would suggest a similar response is issued directly from Mr Brown.

We will compile a short response in conjunction with SPS colleagues for his first box (to issue next week)- this will reiterate that SPS continues to consider the implications of photocopying of mail as a matter of operational priority.

[redacted] are you content with this approach?

From: [redacted] **On Behalf Of** Findlay R (Russell), MSP
Sent: 21 October 2021 09:43
To: Cabinet Secretary for Justice and Veterans
Subject: Letter to Cabinet Secretary for Justice & Veterans - HMP Shotts - URGENT
Importance: High

Please find enclosed an urgent letter from Russell Findlay MSP regarding HMP Shotts.

Can you please acknowledge receipt?
(Letter already included as attachment)

Email 21 – extract of email 21

From: [redacted]
Re: for Policy View: Shotts prison letter: Daily Express
To: [redacted]
Cc: [redacted]

Hi [redacted]

We are aware of the correspondence from [redacted] at HMP Shotts and the urgent letter from Russell Findlay MSP sent to Mr Brown late last week. Draft responses to both were sent to Mr Brown today following his return from leave- hopefully they will be issued tomorrow after his consideration.

Im not sure if Mr Brown is clearing lines this evening but it may be helpful to note in the clearance email that officials have sent him draft responses to the correspondence referred to in this press query.

I'd suggest something more on these lines.

“We recognise that prison officers work in a difficult and intensive environment due to an increasingly complex prison population. The prison service provides a range of measures and interventions for staff who require them, including occupational health support and access to counselling services.

It also has robust security measures in place to prevent contraband entering our prisons and to ensure the safety of staff and those within its care. The consideration of the routine photocopying of prisoner correspondence as a possible means of preventing drugs entering the prison estate continues to be taken forward as a matter of operational priority by the prison service.”

Email 22

Thu 21/10/2021 16:39

From: [redacted] SPS
FW: correspondence
To: [redacted]
Cc: [redacted]

Hi [redacted],

Spoke to [redacted] and suggestions below from us. The last two paragraphs on reflection may not be needed as would go beyond what is needed.

Will phone you separately.

OFFICIAL

From: [redacted] SPS
Sent: 21 October 2021 16:37
To: [redacted]
Subject: RE: correspondence [SEC=OFFICIAL]

OFFICIAL

Great.

Will go back with below. Thank you

OFFICIAL

From: [redacted]
Sent: 21 October 2021 15:32
To: [redacted]
Subject: correspondence

I wondered about getting PO to issue this response to the person directly? Then this can be used next week to response to Mr Findlay to note a response was issued to X along the attached lines. Please send this to anyone who needs to see it. PO may not want this to issue just from them but in his absence I could suggest Ms Denham or a senior official issues?

Anyway let me know what you think of wording.

Thank you for your emails of 14 October 2021 to the Cabinet Secretary for Justice and Veterans regarding your concerns at HMP Shotts. As you'll be aware, operational and employment matters are for the Interim Chief Executive of the Scottish Prison Service (SPS) rather than Scottish Ministers so I would encourage you to continue raise your concerns through the appropriate internal processes.

The threat that illicit substances pose in our prisons is understood and I can assure you that it is being taken very seriously by Scottish Government health and justice portfolios and the SPS. The Cabinet Secretary meets regularly with the Interim Chief Executive of the SPS to discuss a range of operational priorities and has had recent constructive engagement with the Assistant General Secretary and SNC Chair of the POAS on matters of significance to the POAS membership as well as the Prison Governors Association, and HM Chief Inspector of Prisons to gain a full understanding of the challenges in our prisons. You will of course be aware that the prison service is actively considering the implications of the photocopying of general correspondence ~~mail~~ coming into prisons as a means to prevent illicit substances entering establishments such as Shotts.

It is acknowledged that a number of positive steps have been taken in this area, including the roll-out of Rapiscan technology to all establishments to reduce illicit substances entering prisons, funding of the Scottish Recovery Consortium (SRC) to carry out recovery work in prisons, investment to enable people to access rehab on release from prison to support their recovery journey and the availability of an alternative form of Opiate Substitute Therapy (OST) in Buvidal. This work is welcomed and does make a difference to those in SPS's care with addiction issues.

~~We do appreciate the scale of the challenge of drug use being faced in the justice system and beyond. There isn't a single solution to solve these issues. In January 2021 the First Minister announced the creation of a ministerial portfolio on Drugs Policy reporting directly to her and a national mission to improve and save lives in response to increasing number of drug related deaths in Scotland. The main focus of the mission in its first year is to get more people into treatment and recovery including through the justice system. However, in the medium to longer term the mission requires collaboration across all portfolios to address the root causes of problematic drug use which are shared with many other public health challenges (problematic alcohol use, smoking, obesity, gambling etc) as well as poverty, homelessness, poor mental wellbeing and isolation.~~

~~The Cabinet Secretary for Justice and Veterans and Minister for Drugs will be prioritising these issues will continue to work collaboratively in this area to seek solutions that protect the wellbeing of those in SPS's care along with those who work in our prisons to ensure a safe environment for all.~~

Email 23

Fri 29/10/2021 13:57

From: [redacted]

Re: media Query – Deaths in HMP Shotts from the Times

To: [redacted]

Cc: [redacted]

[redacted]

We have had various media inquiries about this correspondence from Russell Findlay over the course of this week.

I wouldn't advise we get drawn on quoting figures on numbers on deaths at HMP Shotts (that isn't something SG holds data on anyway) and that we stick to topline. Previous lines and the letter of response issued to Mr Findlay from CS (on wed) is attached.

A response has been issued to Mr Russell Findlay MSP. We recognise that prison officers work in a difficult and intensive environment due to an increasingly complex prison population. The prison service provides a range of measures and interventions for staff who require them, including occupational health support and access to counselling services.

It also has robust security measures in place to prevent contraband entering our prisons and to ensure the safety of staff and those within its care. The consideration

of the routine photocopying of prisoner correspondence as a possible means of preventing drugs entering the prison estate continues to be taken forward as a matter of operational priority by the prison service.”

From: [redacted]
Sent: 29 October 2021 13:41
To: [redacted]
Cc: [redacted]
Subject: MEDIA QUERY - Deaths in HMP Shotts from The Times

Colleagues

We have a follow up media query from the Times, below, about a letter, attached, to Cab Sec for Justice from Russell Findlay MSP.

The journalist is specifically asking about the number of deaths in Shotts prison mentioned by Mr Findlay who says they are experience the ‘worst level of deaths’ there.

Can you help with any lines and/or figures on this please.

Thanks

[redacted]
From: [redacted]
Sent: 29 October 2021 12:45
To: [redacted]
Subject: Re drugs and HMS Shotts

Hi [redacted], see attachment below. Basically, Russel Findlay accusing Keith Brown of doing nothing over series of prison deaths at HMS Shotts. Looking for a response for tomorrow’s paper, Ring me if you need further clarification.

Thanks

Email 24

From: [redacted]
Sent: 21 September 2021 17:11
To: [redacted]
Cc: [redacted]
Subject: RE: Follow Up to Portfolio Questions- Russell Findlay MSP- photocopying of mail [SEC=OFFICIAL]

Hi [redacted] - firstly welcome back from maternity leave. Look forward to seeing more of your name popping up.

Thanks very much for this very comprehensive response to the Russell Findlay MSP letter. I have used it to work up a response from Mr Brown attached. I have slightly padded out the rapiscan machine point- this uses the response to him as an opportunity to clarify that rapiscan machines are effective. Mr Brown slightly

misinterpreted a previous line on this issue at PQs a few weeks ago and this allows a chance to make that clear.

We also thought it may be helpful to also tie this in to an update on mobile phone tampering (and response to it)...it may not come up in FMQs this week but this letter provides an opportunity to provide a response to him and CJ Committee on what are robust solutions/actions to the tampering by SPS.

[redacted] - would you be able to check that Teresa is content with this approach. I very much appreciate these are operational issues.

Lastly, we'd of course be content to advise PO that Mr Brown sends a direct letter to Mr Findlay and 2x separate to Wendy and Convenor of CJ Committee. We could just provide a cover letter to that effect for Mr Brown.

As the letter(s) need to issue tomorrow- grateful if you could get back to me in the morning.

Thanks muchly
[redacted]

From: [redacted]

Sent: 21 September 2021 16:28

To: [redacted]

Cc: [redacted]

Subject: RE: Follow Up to Portfolio Questions- Russell Findlay MSP- photocopying of mail [SEC=OFFICIAL]

OFFICIAL

Hi [redacted]

I hope you are well. I just started back yesterday after maternity leave so you'll now see my name popping up again!

Attached is a response to the correspondence from Russell Findlay. You can use it as an appendix to a cover letter if you want or use the key points in your lines for response, whichever you prefer.

Rather than CC in the Convenor of the CJ Committee and HMCIPS into the response, we would be happy for a letter to go to them directly with the same content.

If you need anything else on this one, let me know.

Many thanks,
[redacted]

OFFICIAL

From: [redacted]
Sent: 16 September 2021 18:40
To: [redacted]
Cc: [redacted]
Subject: FW: Follow Up to Portfolio Questions- Russell Findlay MSP- photocopying of mail

Evening [redacted]

I'd be grateful if you could bring this recent correspondence in from Russell Findlay to Teresa's attention. PO have asked for a quick turnaround on this and it may be helpful if a response could be issued on Wednesday next week in advance of FMQs. Do you think this would be do-able? If so would you be able to get us some lines by afternoon of Tuesday so we could pull together a response although we could use the lines in the FMQ as a starter.

Cat suggested we could copy in the Convenor of the CJ Committee and HMCIPS into the response back to Mr Findlay too?

As ever happy to chat
Thanks
[redacted]

Attachment 2



CEC 57
Response.pdf

ROUTINE PHOTOCOPYING OF PRISONER MAIL

Extract

Thank you for your letter of 16 September seeking an update on the proposal to routinely photocopy prisoner's general mail in order to mitigate against the risk of illicit drugs entering the prison estate.

We are aware that drug misuse in Scottish Prisons has changed over the last few years, evolving from well-known and readily identifiable controlled substances such as heroin, cocaine, cannabis and prescribed medication(s). Whilst these substances are still prevalent, the emergence of 'novel' psychoactive substances (PS) in 2018 has seen a significant shift in what substances we believe are being used by those in our care.

Also as you raised during the Committee session and Portfolios last week, there is emerging evidence that shows that this type of drug is being introduced through the use of paper sent through the mail system. I am advised by Teresa Medhurst, Interim Chief Executive, that preparatory work into exploring the implications of a change into how we conduct our mail processes is well underway. This work involves assessing the full impact, risk assessment, legal implications and operational requirements associated with a change in how individuals' mail is handled.

As this would require a change in Prison Rules, further exploratory work will be undertaken. Once an options appraisal has been reviewed, and an option endorsed the prison service will be in a better position to advise on the next steps with regards to mail handling. I have asked Teresa Medhurst to keep me updated on developments.

Email 24

Fri 01/10/2021 15:42

From: [redacted]

Subject: Re Policy view pls – prison mail/drugs – Sunday mail

To: [redacted]

Cc: [redacted]

Thanks [redacted]

Copying in SPS colleagues for their views

To kick this off, I suggest something along the lines of:

The Cabinet Secretary for Justice and Veterans responded to Russell Findlay MSP's letter on this issue last week and also provided a written update to the Criminal Justice Committee's Convenor and HM Chief Inspector of Prisons. The prison service have a range of robust security measures in place to prevent the introduction of contraband entering our prisons to ensure the safety of staff and those within its care. It is a continuously evolving area which requires dynamic assessment and response. They are actively exploring the possibility of photocopying general mail across the prison estate and is assessing the full impact of such a proposal including legal implications.

From: [redacted]

Sent: 01 October 2021 15:28

To: [redacted]

Cc: [redacted]

Subject: POLICY VIEW PLS- prison mail/drugs - sunday mail

Colleagues,

We've been approached by the Sunday mail seeking comment on MSP Russell Findlay's claims that he has challenged Minister 4 times on why mail going into prisons isn't being photocopied to stop drugs soaked paper being smuggled. Apparently mail was photocopied during lockdown, but is not any more.

I have found the below lines on this from last year, however would be grateful if officials could take a look and get back to me with any updates/additions by **17:00**.

A Scottish Government spokesperson said:

"The use of illegal drugs in prisons is not tolerated and a comprehensive range of robust security measures are in place to prevent the introduction of contraband entering our prisons.

“All prisons use Rapiscan machines, which detect substances that may have been concealed in items of mail and personal property.

“SPS continues to seek innovative technological solutions in order to detect, deter and reduce the availability of contraband entering our prisons to ensure the safety of staff and those within its care.”

Many thanks

[redacted]

Email 25 – extract of email 25 24/10/21

From: [redacted]

Sent: 24 October 2021 21:26

To: SPS

Cc: [redacted]

Subject: Correspondence from [redacted]

Teresa

We discussed with approach with Neil on Friday. We now have letters and advice all ready to go as keen to get them all issued Monday at some point if possible.
[redacted – not relevant to query]

Grateful if you could confirm so that and then we will arrange for the advice undernoted and letters to be sent to PVO.

Cheers as ever

[redacted]

Advice

We have agreed a suggested approach with Teresa Medhurst and senior justice officials and attach letters of response to [redacted], Pauline McNeill and Russell Findlay MSPs for the Cabinet Secretary’s consideration. Given these are copied to Criminal Justice Committee Members we advise that these are sent asap- **today if possible or as soon as possible thereafter.**

The responses highlight that the issues raised are operational matters but that SPS officials will respond to [redacted] as a matter of priority (ensuring the Cabinet Secretary is sighted on the full response and therefore aware of how the issues will be addressed). Mr Findlay has highlighted the correspondence further escalates the need for the consideration of the photocopying of prisoner correspondence.

[redacted]