

Email 1

Tue 02/11/2021 16:25

From: Cabinet Secretary for Justice and Veterans CabSecJV@gov.scot

To: [redacted]

Cc: [redacted] SPS

Hi [redacted]

Cab Sec has asked for a letter to be drafted to Gillian Mackay along the lines of the answer that was provided in his briefing pack. Are you able to take this forward please?

I'd also be grateful for your views on the exchange with Mr Findlay on the offer of a meeting and when this should be arranged.

Thanks

[redacted]

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

Sent: 02 November 2021 13:50

To: [redacted]

Cc: [redacted]; SPS

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

Thanks [redacted], passed to Cab Sec.

[redacted]

From: [redacted]

Sent: 02 November 2021 13:42

To: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Cc: [redacted]

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

[redacted]

Yes he can- some lines below for ease and attached for printable ease if time allows.

Lines- Number of Deaths

- The prison service, with the NHS and other relevant organisations, carry out a Death in Prison Learning Audit and Review meeting normally within 12 weeks of all deaths in custody.
- This provides a system for recording any learning and identified actions from individual incidents.
- The prison service is committed to the publication of transparent death in prison custody data and posts a notification of all deaths that occur in prison custody on their website as soon as possible – following confirmation that the next of kin have been informed.

- The death in prison custody data for the last quarter has been published on SPS' website on 29 October, it provides information from July to September 2021.
- All deaths in prison custody are subject to FAI proceedings which will be undertaken in due course.
- There have been 9 deaths in HMP Shotts in this year Jan – End Oct
- 8 with medical certificate cause of death are published on the SPS website and there has been one further in October (not yet listed on the SPS data)
 - 2 of them are linked to illicit substance misuse
 - 1 is unascertained
 - 5 are for other reasons (1x suicide and 4 x health including presence of covid)
 - 1 in October , the prison service don't yet have medical certification details so cause of death is as yet unascertained.

[redacted]

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

Sent: 02 November 2021 13:17

To: [redacted]

Cc: [reacted]

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

Thanks [redacted] – is Cab Sec able to refer to this info in the Chamber?

[redacted]

From: [redacted]

Sent: 02 November 2021 13:13

To: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Cc: [redacted]

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

[redacted]

Responses in red.

Thanks

[redacted]

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

Sent: 02 November 2021 12:48

To: [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.

2. Is it true that there have been 8 deaths in 8 months at Shotts?

There have been 9 deaths in HMP Shotts in this year Jan – End Oct
8 are reported publically on the SPS website (with relevant medical certificate information) and there has been one further in October (not yet listed on the SPS data)

For background:

- 2 of them are linked to illicit substance misuse
- 1 is unascertained
- 5 are for other reasons (1x suicide and 4 x health including presence of covid)
- 1 in October we won't yet have details for so would currently note as unascertained (possibility of illicit substances).

Thanks

[redacted]

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

Sent: 02 November 2021 12:42

To: [redacted]

Cc: [redacted]

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

Thanks [redacted], with Cab Sec for his consideration.

[redacted]

From: [redacted]

Sent: 02 November 2021 12:21

To: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Cc: [redacted]

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

Importance: High

[redacted]

Please find attached revised answer and background note including the answer (from drugs policy officials) to the possible supplementary in the attached word document. Please let us know when you wish us to put this onto the PQ system itself (following the Cabinet Secretary's consideration).

[redacted – extract as rest of email was out of scope]

Thanks

[redacted]

From: [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans
Sent: 02 November 2021 09:35
To: [redacted]
Cc: [redacted]
Subject: RE: Topical Question - 2 November - S6T-00245

Hi [redacted]

Following the discussion at pre cabinet can we please have revised answer, Q&A and background note by 12 noon please. This should include detail on:

1. What actions have been taken to date and next steps/timeline
2. Supportive quotes from Wendy's report
3. What else the SG can do recognising the operational independence of SPS
4. Lines on purposeful activity while prisoners on remand etc
5. Figures on staffing levels
6. Interaction Cab Sec has had with PoA/PGA since he was appointed

I am going offline to travel into Parly but [redacted] is around if you need to chat/discus.

Would Monday be too soon for a visit to Perth Prison if constituency can accommodate this?

Thanks
[redacted]

From: [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans
Sent: 01 November 2021 21:05
To: [redacted]
Cc: [redacted]
Subject: RE: Topical Question - 2 November - S6T-00245

Thanks [redacted], I have shared with Cab Sec.

Separately, Mr Brown has asked for a readout of last week's meeting with [redacted] re Shotts. Grateful if you can share this as soon as you are able please.

Many thanks,
[redacted]

[redacted] - Deputy Private Secretary to Cabinet Secretary for Justice and Veterans - Keith Brown

From: [redacted]
Sent: 01 November 2021 17:55
To: [redacted]
Cc: [redacted]
Subject: RE: Topical Question - 2 November - S6T-00245

[redacted]

Please see initial answer for consideration.

I hope that the early draft supplementaries demonstrate some more robust lines and whilst these are in draft we will continue working on them in advance of meeting tomorrow at 08.30.

Kind Regards

[redacted]

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

Sent: 01 November 2021 17:00

To: [redacted]

Cc: [redacted]

Subject: Topical Question - 2 November - S6T-00245

Good Evening

The following topical question has been selected for tomorrow. Mr Brown will answer in the Chamber:

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. (**S6T-00245**)

Can you please provide a draft answer by 18.30 this evening to allow Mr Brown to consider in advance of the pre-cabinet call and Cabinet. Please confirm the lead official(s) and I will invite you to the call in the morning (0830).

Please send through as a word doc just now rather than on the tracker.

The final answer, background and Q&A should be with PO by noon tomorrow please.

Many thanks

[redacted]

[redacted] - Deputy Private Secretary to Cabinet Secretary for Justice and Veterans - Keith Brown

Email 2

Thu 11/11/2021 16:38

From: [redacted]

FW: Scottish Prison Service: HMP Shotts daily update [SEC=OFFICIAL]

To: [redacted]

From: [redacted]
Sent: 11 November 2021 16:29
To: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>
Cc: [redacted]
Subject: Scottish Prison Service: HMP Shotts daily update [SEC=OFFICIAL]

Good afternoon [redacted]

The latest update from HMP Shotts is as follows –

- An individual was found unresponsive in his cell this afternoon. NHS staff attended and administered naloxone. An ambulance was called but the individual refused to be assessed by paramedics and refused to attend hospital.
- One individual remains in hospital.

A number of tactical response activities including targeted and area searching are continuing.

Can you advise if the Cabinet Secretary still wishes to receive a daily update regarding HMP Shotts or if this can now be stood down?

Kind regards,[redacted]

Email 3 (extract – redacted for relevance)

From: [redacted]
Sent: 13 October 2021 18:13
To: [redacted]
Cc: [redacted]
Subject: RE: DRUG ADDICTION IN PRISONS - [redacted]

Colleagues

Thanks to those who attended the meeting with Mr Brown on [redacted]. Just a quick readout:

- [redacted] it was clear that the issue and its solutions are much bigger than the prison context, including focus on rehabilitation in the community as an alternative to custody (in particular for remand) and throughcare
- [redacted] (Drugs Policy) helpfully set out work being done in the area, including creating a register of capacity for rehabilitation and increasing capacity over the next 5 years. The point of how to make the courts aware of this rehabilitation capacity was raised.
- Key focus for Mr Brown was the need to better link Justice, Health and Drugs policy
- Mr Brown asked for a paper that will draw together short term and medium term actions across these three policy areas, to be produced over the next fortnight.

On the paper, [redacted] will share what drugs policy have produced already for the Health And Justice Collaboration Board as a starting point.

The sound quality on the call was poor - let me know if I've missed any key points.

Thanks

[redacted]

From: [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans
Sent: 21 September 2021 13:20
To: [redacted]
Cc: [redacted]
Subject: RE: DRUG ADDICTION IN PRISONS - [redacted]

Hi [redacted]

Apologies for the delayed response.

Mr Brown has noted and is content to meet with officials and SPS colleagues to discuss this.

Many thanks,
[redacted]

[redacted]- Deputy Private Secretary to Cabinet Secretary for Justice and Veterans -
Keith Brown

From: [redacted]
Sent: 10 August 2021 15:13
To: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>
Cc: [redacted]
Subject: DRUG ADDICTION IN PRISONS - [redacted]

Hi [redacted]

The attached submission responds to two recent requests:

1. [redacted].
2. To provide an overview of evidence on drug treatment in prison

Please note that (1) is preliminary advice and we would welcome an opportunity to discuss with the Cabinet Secretary.

Kind regards

[redacted]

Email 4

From: [redacted]
Sent: 14 October 2021 12:42
To: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>;

Pauline.McNeill.msp@parliament.scot

Subject: Concerns [SEC=OFFICIAL]

Good afternoon Sir/Maam

Attached are the concerns we raised with the Union Lawyers for your perusal.

Below is a copy of an email trail between POAs Shotts and the SPS that we need you to be aware of and with 8 deaths in this prison alone you will see our concerns, as well as Scotlands shame of drug deaths being the highest in Europe I hope you can understand our consternation and the dangerous direction we are going in our opinion.

I look forward to a response on these issues as it is very concerning for staff to comply with, what I see, as complete madness.

[redacted]

[redacted]

We will be submitting a PFTA and send an email to the justice minister and shadow justice minister that SPS are indeed breaking the law in our opinion. by potentially handing out dangerous drugs that have killed prisoners at Shotts.

Instruct me to hand out these items please so that I can refuse...I am willing to go all the way with this.

I have just seen contaminated packages with white powder, tablets and brown powder that SPS have refused to give to the prisoner...I and my members will not be trafficking drugs and if you instruct us to do so I will call the police because I believe SPS are in fact committing a crime...this is the most bizarre rationale I have ever heard for drug dealing.

It's not mine constable...I'm just handing it back to the real drug dealer?

Please take it back to your lawyers to confirm, in the meantime I will see what the ministers think.

[redacted]

From: [redacted]

Sent: 14 October 2021 08:30

To: [redacted]

Cc: [redacted] SPS

Subject: RE: Property management [SEC=OFFICIAL]

OFFICIAL

Hi [redacted]

In response to your e-mails below I can advise that the management of mail and property suspected of being contaminated with an unknown substance is in line with prison rules and has been checked with SPS legal policy. I would like to emphasise that the Rapiscan Itemiser is not an absolute test and is only an indication that the paper/property *may* be contaminated with some type of substance and it is on that basis only that we have the power to stop it from entering circulation within the prison environment. These types of finds should be reported to Police Scotland in the first instance, however, if Police Scotland do not agree to take possession of these items then they legally remain the property of the prisoner. SPS has no legal authority to retain or destroy prisoner property albeit we do have the power to stop this from being introduced into circulation within the prison estate. We are notifying those who have the power to seize the items (Police Scotland) and if they do not wish to collect them then there is nothing further we can do.

We are not distributing drugs rather we are returning property/mail which we are not permitting into the establishment due to security concerns.

There are robust SSOW in place for staff for the handling of contaminated property/mail to ensure any risk is minimised. If Police Scotland do not wish to pursue criminal charges and take possession of the items then these remain the legal property of the prisoner. There is no way of confirming if the property/mail is indeed contaminated other than testing via Police Scotland STOP Unit. If we retain these items after a prisoner is liberated then we are doing so illegally as we do not have the power to do so.

The bigger issue here is why Police Scotland are not interested in seizing these items and there is work ongoing nationally to address this. Unfortunately this is not an easy task as the collection of any productions relating to a potential crime is managed locally by Divisions and not nationally.

[redacted for relevance]
More than happy to discuss further.

Regards
[redacted]

OFFICIAL
From: [redacted]
Sent: 14 October 2021 08:04
To: [redacted]
Cc: [redacted]
Subject: RE: Property management [SEC=OFFICIAL]

Good morning Colleagues

We have just been made aware that despite our concerns and indeed without an agreed SOP in partnership...Reception staff have been instructed to do the following...We are advising our members not to handle this potentially dangerous

substance and are instructing our members not to hand these things out until we get a response and assurance from our concerns below.

If [redacted] or [redacted] want to go ahead and issue this themselves feel free...as it stands just now we will need to talk to the GIC/Dep before submitting a PFTA so we request a meeting about this and a rescinding of the instruction...or we will be faced with submitting x2 PFTA's immediately.

[redacted]

Hi All,

The attached response is in the process of being sent to the mother of [redacted].

Be aware that, after discussion with his mother, [redacted] will make a request to hand out property. Some/all of this property will have given a positive indication on the Rapiscan Itemiser.

Please ensure that a list of items is provided to Reception who will facilitate the handing over of property to [redacted] mother (or representative). They should be advised that the items have tested positive for a potentially dangerous substance. If they are content to accept the property, it should be handed out.

Thanks,

[redacted]

From: [redacted]

Sent: 13 October 2021 11:57

To: [redacted]

Cc: [redacted]

Subject: TOC 267 response [redacted] [SEC=OFFICIAL]

[redacted]

Please find attached response for TOC 267.

[redacted] can you arrange via the security / hall managers and reception to be on standby to have [redacted] identify what items he is looking to hand out please note that this will include property that has tested positive **as described** in the e-mail sent 13.10.2021.

Regards

[redacted]

From: [redacted]

Sent: 13 October 2021 14:39

To: [redacted]

Cc: [redacted]

Subject: RE: Property management [SEC=OFFICIAL]

I notice I stated Prisoner...it's also meant to say prisoners Visitor...apologies...I missed that in my attempt to get my concerns over.

From: [redacted]

Sent: 13 October 2021 14:24

To: [redacted]

Cc: [redacted]

Subject: RE: Property management [SEC=OFFICIAL]

Good afternoon all

We sought advice from our lawyers on this issue as it effects our members...in summary the following issues were discussed.

Can the SPS give assurances in writing be it a GMA or Notice to Staff that no disciplinary/criminal reference will be made if property passed back to a prisoner does indeed lead to a death?

The primary concern here is that 'letters of comfort' can only be provided by the Lord Advocate, so no matter what the SPS may state or guarantee, it's ultimately not their decision. I still have grave concerns that it'll only take one incident/complaint for this to become a scandal.

You can almost write the headlines just now, particularly in the current climate with certain individuals gunning for the SPS and their "state-sponsored murder."

Would an SPS Director or Chief exec be happy to sign off on the handover of the items known to be contaminated?

We look forward to a response on these concerns at the earliest

Regards

[redacted]

POAS

[redacted]

Notwithstanding what went on in 1945 / 6. I appreciate that you are unhappy about this but as an instruction or how-ever you choose to take it as this will be happening.

If you note the last comment of the response from [redacted] is **we should inform whomever is receiving the property that it has tested positive for an unknown substance and that there may be a risk to them if they handle the property. If they are still content to receive this then it is fine for the prisoner to hand this out.**

This by virtue of acceptance and us having a signature of accepting the property in its condition will not result in you or anyone else landing in court as the person is accepting the property in its given state. If the person says they don't want to accept the risk then the story ends there.

There are a number of situations, policies, SOPs and guidance that we may not agree with but fundamentally we adhere to them because that's what comes with this /any job.

Regards
[redacted]

From: [redacted]
Sent: 13 October 2021 11:57
To: [redacted]
Cc: [redacted]
Subject: RE: Property management [SEC=OFFICIAL]

All,

With respect and please feel free to correct me if I'm wrong.
25 trials at Nuremberg between November 1945 and October 1946 saw 20 sentences passed and 5 Acquittal/ no decision.

Unsure if the defence was, "I only put them in the gas chamber because the boss told me to."... but overall the defence didn't have a great success rate.

In terms of the potential distribution of drugs (recirculating them into the community / passing them to vulnerable people) and in consideration of recent drug related deaths within the prison at HMP Shotts, I am clarifying that you are by virtue of this email instructing me to distribute drugs to either prisoners upon their liberation or their visitors if the prisoner requests so.

- Please can it be clarified that if someone in the community, liberated prisoner or otherwise is victim/ hospitalised or dead as a result of consuming materials I have knowingly given them as a contaminated item, that I will not be subject to a court appearance for this.
- Clarification is also required if this ruling will also relate to mail as well as property with clarity (if not why not).
- This ruling be verified by national GMA and not a Standard Operating Procedure as it currently is.

I do not wish to be subject to a court appearance with my defence – I only gave them the drugs because the boss told me to.
I await your response.

Regards, [redacted]

From: [redacted]
Sent: 13 October 2021 11:25
To: [redacted]
Cc: [redacted]
Subject: FW: Property management [SEC=OFFICIAL]

Colleagues FYI

I appreciate that the issue of sending property as described out to visitors / family may not be requested to often but when it is we should manage it as described by [redacted]

Happy to discuss.

Regards
[redacted]

From: [redacted]
Sent: 13 October 2021 08:40
To: [redacted]
Subject: RE: Property management [SEC=OFFICIAL]

OFFICIAL

Hi [redacted]

Hope you're enjoying your new role!!! Legally we can stop property from being in use within the prison but if the police do not want it then we have no legal basis to retain or destroy hence the reason we bag it for returning to the prisoner on release. If they wish to hand this out then there is no problem with doing so. The only thing I would say is that we should inform whomever is receiving the property that it has tested positive for an unknown substance and that there may be a risk to them if they handle the property. If they are still content to receive this then it is fine for the prisoner to hand this out.

Hope this helps.
[redacted]

OFFICIAL

From: [redacted]
Sent: 13 October 2021 08:31
To: [redacted]
Subject: FW: Property management [SEC=OFFICIAL]

Hi [redacted]

Can you advise in [redacted] absence please?

Regards
[redacted]

From: [redacted]
Sent: 12 October 2021 21:18
To: [redacted]
Cc: [redacted]
Subject: Property management [SEC=OFFICIAL]

Hi [redacted]

Looking for some advice re the management of property following a positive test via the **RAPISCAN Itemiser**, which I am sure has been given in some capacity. We are currently bagging the items and retaining for the prisoner on his release / onward movement where Police Scotland have said specifically that they are not interested.

HMP Shotts have been told by Police Scotland that they are not interested in productions such as a pair of jeans / training shoes for example that have tested positive for a substance, if the current guidance is that we issue the prisoner his property on release is there any issue with us handing out property to the prisoners family prior to him being released at his request? The management / retention of such property is becoming an issue in terms of storage.

Regards
[redacted]

Email 5

Tue 05/10/2021 09:07

From: [redacted]

FW: Due 04.10.21 - S6W-03171 - Tess White - Addiction Prevalence Testing
[SEC=OFFICIAL]

To: [redacted]

Cc: [redacted]

All

To see attached, just noticed you weren't copied in.

[redacted]

From: [redacted]
Sent: 01 October 2021 15:45
To: Cabinet Secretary for Justice and Veterans
Subject: RE: Due 04.10.21 - S6W-03171 - Tess White - Addiction Prevalence Testing [SEC=OFFICIAL]

OFFICIAL

Hi [redacted]

Please find attached a note outlining the rationale for delay to Drug Trend Testing.

Thanks,

[redacted]

OFFICIAL

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

Sent: 30 September 2021 17:12

To: [redacted]

Cc: [redacted]

Subject: FW: Due 04.10.21 - S6W-03171 - Tess White - Addiction Prevalence Testing

Hi [redacted],

Mr Brown is content with the draft response you sent for PQ S6W-03171. However, he has asked if there is a further explanation as to why Drug Trend Testing is delayed until January.

I'd be grateful if you can please send me a note outlining the rationale behind the delay so I can pass this on to Cabinet Secretary.

Many thanks,

Attachment

Cabinet Secretary for Justice and Veterans

SCOTTISH PRISON SERVICE (SPS): DATE FOR DRUG TREND TESTING

Purpose

To provide you with information as to why Drug Trend Testing is delayed within the Scottish Prison Service from November 2021 until January 2022.

Rationale for January 2022 date

Drug Trend Testing (DTT) was anticipated to take place within the Scottish Prison Service (SPS) in November 2021. However, this date has been reviewed by the SPS as COP26 is scheduled to take place from 31 October to 12 November 2021.

It is essential that DTT can be consistently facilitated across the prison estate with the necessary resources available to support testing. There is the potential of an increase in admissions into custody during COP26 and there could be disruption to transport which would have operational impacts. If there is an increase of individuals admitted into custody related to COP26 this may present challenges when DTT data is compared in future years to identify trends. Therefore, on review it was decided that January 2022 is an operationally suitable month for DTT to be conducted within the SPS.

[redacted]

1 October 2021

Email 6

Tue 09/11/2021 16:36

From: [redacted]

RE: Correspondence- Response to Douglas Ross MSP- Follow up from FMQ of 4 Nov- HMP Shotts drug deaths (A35283627)

To: Cabinet Secretary for Justice and Veterans

CC: [redacted]

[redacted]

Revised letter now attached. I have tracked the changes to identify the changes I have made which include;

- Taking out some background material to reduce length reducing it to 3 pages from 4.
- Adding in the line regarding the Cabinet Secretary ensuring he discusses with PS and SPS (as per his request below).
- Stating that the Cabinet Secretary is content to meet with Mr Findlay (as raised during Topical last week).

Subject to the Cabinet Secretary's consideration, grateful if this could issue **tomorrow ahead of Thursday FMQs**. The FMQ lines are up to date and state that the letter has been issued.

Many thanks

[redacted]

Attachment)

Rùnaire a' Chaibineit airson Ceartas
Cabinet Secretary for Justice and Veterans
Keith Brown MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: 0300 244 4000

E: scottish.ministers@gov.scot

Douglas Ross MSP
The Scottish Parliament
Edinburgh
EH99 1SP

By email:

Your ref:
Our ref:

November 2021

I am writing to you following your question to the First Minister on 4 November about recent drug overdoses at HMP Shotts.

As I reiterated to Mr Russell Findlay MSP during exchanges in Parliament on 2 November, I am taking the concerns raised about the situation at HMP Shotts very seriously and receiving daily updates. The use of illegal drugs in Scotland's prisons cannot be tolerated.

As is evident in HMP Shotts, the misuse of drugs in the criminal justice system is an increasing challenge and its prevalence is shaped by patterns in the community. The challenges faced by prisons can be exacerbated when those entering prison have an existing drug misuse issue. This is a complex, multi-faceted problem with no simple answer – it requires a coordinated effort to limit the supply of drugs both inside and outside prisons and the provision of support and treatment.

My colleague Angela Constance, Minister for Drugs Policy has been clear in her commitment to implementing approaches that we know work to save lives and to reduce the harm caused by drug misuse across society. That commitment of course applies to how we tackle drug misuse in the wider criminal justice system and I am working in collaboration with Ms Constance and the Minister for Mental Health on this issue. I know the Criminal Justice Committee are also currently looking into these important matters.

The Scottish Prison Service are working tirelessly to adapt its security measures to prevent, detect and deter the introduction of contraband most notably psychoactive substances from entering our prisons in what is a continuously evolving dynamic issue. Like other parts of the UK often drug smuggling into prisons forms part of a complex illicit economy, driven in part by serious and organised crime groups. Within prison, all psychoactive substances are illegal and there is the ability to take the items out of the prisoners' use which are suspected to be impregnated with these substances and report to the Police for uplift.

The use of paper impregnated with psychoactive substances has shown that criminals continue to innovate and the prison service have been aware of this emerging threat.

I must advise that contrary to Russell Findlay MSPs claims that he initiated calls for the routine photocopying of prisoner correspondence, the prison service has had the proposal under active consideration as part of their ongoing tactical response to the threat of drugs the prison estate.

The prison service has rightly taken the time to consider all operational and legal implications of this proposal and intends to lay legislation that will amend the Prison Rules to allow for this change to general correspondence (not privileged correspondence which includes legal correspondence), and a defensible process which we are aiming to lay in parliament by the end of this month. You will understand that this proposal will require evidence by governors that justifies such an action as being the necessary and proportionate response. Therefore it is important to note that consideration has taken into account prisoners' rights -

determined through court judgments around the handling of their correspondence. There are many other factors involved such as the consideration of children's rights, human rights, and the need to ensure processes do not delay a prisoner's access to mail. This ensures minimal impact on family life and continued access to justice through privileged correspondence.

Teresa Medhurst, Interim Chief Executive of the Scottish Prison Service has offered to meet with Mr Findlay to discuss the operational considerations of the proposal in more detail and I understand arrangements are already in place to identify a suitable date for that to take place. I am also content to meet with Mr Findlay to discuss these issues.

SPS has a comprehensive range of robust security measures in place to prevent the introduction of contraband entering our prisons, including the use of Rapiscan machines in every establishment in Scotland. They specifically assist in detecting substances which may have been concealed in items of mail and personal property. Rapiscan machines are a tactical measure however they are only effective in so far that they are not laboratory testing by the Police and therefore do not provide conclusive evidence; this would be done by Police Scotland.

Regretfully, despite robust security processes being in place, and the successful identification of many attempts to introduce contraband of this type, some individuals are successful in bypassing these processes. The SPS and Police Scotland are working collaboratively to share information and intelligence in respect of criminal activity emanating from or impacting upon the prison estate. Both organisations are committed to seeking convictions for those introducing, or attempting to introduce, any unauthorised substances or other contraband material.

I am aware of the concerns raised by you to the First Minister by prisoner's officers regarding the handling of items potentially contaminated by unknown substances. The prison service of course aims to ensure a safe and secure environment for all of its staff and we recognise the concerns. There are robust procedures in place for staff for the handling of contaminated property and mail to ensure any risk to staff is minimised.

If items identified are suspected to have been contaminated with unknown substances, they are prevented from entering the prison. The matter is reported to Police Scotland. Police Scotland will either remove the article as evidence for any subsequent charges or for safe disposal or, where it is not removed by the police, the item will be held in the prisoners' personal property. Due to legislation within prison, the item would continue to be withheld from being in use by the prisoner.

Whilst SPS has the power to prohibit items from entering into circulation within prisons, SPS do not have any power to destroy a prisoners' personal property. If Police Scotland do not wish to pursue criminal charges and take possession of the items then these remain the legal property of the prisoner and they have to be returned to the prisoner on liberation.

The Scottish Prison Service and Police Scotland continue to work in partnership to prevent deter and illicit articles, contraband and substances from entering the prison

estate. They have a Memorandum of Understanding in place to deal with the removal of contraband and illicit articles from our prisons. SPS regularly collaborate with Police Scotland to assess the effectiveness of the current Memorandum of Understanding and, I will continue to have discussions with Police Scotland and the prison service to seek to ensure the arrangements are kept under review.

Finally, as I stated to Parliament, we must recognise the dedication and commitment of prison and NHS staff at HMP Shotts and across the prison estate who are dealing with the most vulnerable people in our society on a daily basis. Their contribution towards tackling our wider commitment to reduce drugs deaths in Scotland is vital.

In addition to the Minister for Drugs Policy, I am copying this response to the Convenor of the Criminal Justice Committee.

From: [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans
Sent: 09 November 2021 11:44
To: [redacted]
Cc: [redacted]
Subject: RE: Correspondence- Response to Douglas Ross MSP- Follow up from FMQ of 4 Nov- HMP Shotts drug deaths (A35283627)

Hi [redacted]

As discussed on senior staff this morning, the Cabinet Secretary has commented that the letter is a bit long and repetitive.

In the paragraph dealing with confiscated and contraband items not being picked up by the Police, Mr Brown has suggested it might be good to say that he is continuing to have discussions with PS and SPS to seek to ensure there are improvements.

Grateful if the letter can be amended to reflect the Cabinet Secretary's comments please.

Many thanks,

[redacted]

From: [redacted]

Sent: 08 November 2021 14:29

To: Cabinet Secretary for Justice and Veterans

Cc: [redacted]

Subject: FW: Correspondence- Response to Douglas Ross MSP- Follow up from FMQ of 4 Nov- HMP Shotts drug deaths (A35283627)

PS/Cabinet Secretary for Justice & Veterans

Apologies- we've amended the draft letter to remove the section about CSJV raising the issue with Cabinet colleagues. I should be grateful if you would replace the draft previously sent with the attached version.

Many thanks

[redacted]

From: [redacted]

Sent: 08 November 2021 13:57

To: Cabinet Secretary for Justice and Veterans

Cc: Director of Justice; [redacted]

Subject: Correspondence- Response to Douglas Ross MSP- Follow up from FMQ of 4 Nov- HMP Shotts drug deaths (A35283627)

PS/Cabinet Secretary for Justice and Veterans

Copy: as above

Follow-up to FMQs 4 November- Douglas Ross MSP- HMP Shotts

Please find attached- for the Cabinet Secretary's consideration- a draft letter to Douglas Ross, MSP following the issues he raised with the First Minister at FMQs last week around drug issues at HMP Shotts . I'd like to highlight that the draft letter includes a statement that CSJV will raise these issues with Ministerial Colleagues.

Please let me know if anything else is needed. [redacted]

Email 6

Tue 09/11/2021 13:51

From: [redacted]

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

To: Cabinet Secretary for Justice and Veterans

Cc: [redacted]

Thanks [redacted]

I understand a meeting between Mr Findlay and [redacted] is now in development for towards the end of this month. If Mr Findlay's office have not approached you for a separate meeting with the Cabinet Secretary I would perhaps just leave it given SPS will talk through the operational detail with him. In the letter to Mr Ross, we could reiterate the offer from Mr Brown.

[redacted]

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

Sent: 09 November 2021 12:42

To: [redacted]

Cc: [redacted]

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

Sorry [redacted] I thought I had replied to this, as discussed on senior staff this morning the Cabinet Secretary also offered to meet with Mr Findlay but we haven't received any follow up to this.

[redacted]

From: [redacted]

Sent: 02 November 2021 16:34

To: Cabinet Secretary for Justice and Veterans

Cc: [redacted]

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

Hi [redacted]

Yes we will progress the letter to Ms Mackay which was about ensuring continuity of care post hospital treatment.

In terms of the meeting- do you mean the meeting with SPS CEO and Mr Findlay or do you mean Mr Findlay's call for the Cabinet Secretary to meet with POAS Shotts branch members? I noted Mr Brown did not respond to that directly.

We will ensure the OR is checked this evening to progress the above.

Thanks

[redacted]

[Removed rest of email thread as is duplicate content of earlier]

Email 7

Thu 04/11/2021 13:43

RE: FMQs - Drugs in Prisons

To: [redacted]

CC: [redacted]

Thanks [redacted]- yes I will progress in collaboration with SPS colleagues and liaise with FMQ Unit on expected timescales.

[redacted]

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

Sent: 04 November 2021 13:39

To: [redacted]

Cc: Minister for Drugs Policy

Subject: RE: FMQs - Drugs in Prisons

[redacted]

To see attached we have just received – are you able to take forward please and provide advice/letter?

Thanks

[redacted]

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

Sent: 04 November 2021 13:26

To: [redacted]

Cc: Minister for Drugs Policy
Subject: RE: FMQs - Drugs in Prisons

Thanks [redacted], bringing in [redacted] as well.

[redacted]

From: [redacted]
Sent: 04 November 2021 13:21
To: [redacted]
Cc: Minister for Drugs Policy <MinisterDP@gov.scot>
Subject: RE: FMQs - Drugs in Prisons

Hi [redacted]

We are standing ready and saw the exchanges. We alerted SPS colleagues as well. We noted FM said she would respond to Mr Ross on his points raised about prison officer concerns about the handling of property which has possibly come into contact with an unknown substance.

There were also wider calls about the general approach to tackling drug deaths so drug policy officials copied.

[redacted]

From: [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans
Sent: 04 November 2021 13:11
To: [redacted]
Cc: Minister for Drugs Policy
Subject: FMQs - Drugs in Prisons

Afternoon All

You may have seen the exchange during FMQs between the FM and Douglas Ross on drugs in Prisons.

The Cabinet Secretary has asked that officials are ready for any follow up from this session specifically comms queries. Grateful if you can also provide a note on any issues arising.

Thank you
[redacted]

Email 8

Thu 11/11/2021 11:56

From: [redacted] on behalf of Cabinet Secretary for Justice and Veterans
To: [redacted]
CC: [redacted]

Good Morning

The following General Question has been selected for next week. Mr Brown will answer from the Chamber.

10. Jamie Greene: To ask the Scottish Government what its response is to reports that the number of drugs tests taking place in prisons has fallen considerably since 2018. **(S6O-00405) KEITH BROWN**

Can you please provide the draft answer, background note and Q&A by **noon on Tuesday 16 November**. Grateful if you can also please confirm who the lead official is for this.

Many thanks,
[redacted]

Email 9

Thu 04/11/2021 14:43

From: SPS

Visit to HMP Perth 8 November 2021 [SEC=OFFICIAL]

To: [redacted]

CC: [redacted]

OFFICIAL

Good afternoon [redacted]

Please find attached the updated briefing pack for the Cabinet Secretary's visit to HMP Perth on Monday.

Kind regards,
[redacted]

(Attachment)

What	Scottish Prison Service - Ministerial Visit to HM Prison Perth
When	Monday 8th November 2021, 10.00-12.00
Where	HMP Perth, 3 Edinburgh Road, Perth, PH2 8AT
Who	[redacted] Governor in Charge, HM Prison Perth
Why	<p>Visit to HMP Perth to speak to Governor and staff. The prison is an example of an establishment that consists of old and new accommodation that is facing a range of significant operational challenges due to COVID-19, as well as a rising and complex prison population.</p> <p>It will also be an opportunity to see examples of good practice, such as the reconfiguration of the accommodation to support the current and future needs of the residents, Recovery Hub, new radio station, and discuss the strategy for HMP Perth to become an establishment focussed on delivering Recovery Orientated Systems of Care.</p> <p>This visit is part of a planned programme of introductory visits in Justice portfolio.</p>
Key messages	To see first-hand the work being undertaken in Scotland's prisons and to meet staff at the frontline working in prisons and to hear experience of prison population.
Speech details	
Official support	
Media handling	
Twitter	
Entrance & greeting party	[redacted] – Governor in Charge, HMP Perth Interim Chief Executive, Scottish Prison Service [redacted] – Unit Manager, HMP Perth
Parking for Ministerial car	Official vehicle to make its way into the sterile area via the main gate where a dedicated parking slot will be available. Please note all Personal Communication Devices must stay within the vehicle and not be taken into the body of the prison.
Briefing contents	Annex A Event programme Annex B Attendees Annex C Briefings on key issues Annex D Key messages

EVENT PROGRAMME

TIME	EVENT
10.00	Arrival – met by Governor in Charge [redacted] (CSJV to drive directly into sterile area)
10.05 – 12.00	<p>Tour of establishment commences, visiting the following areas</p> <ul style="list-style-type: none"> • Reception area – this is the area which processes all individuals entering and exiting the prison; • Health Centre – area where primary care and clinics are delivered; • Charlie Hall – the newest accommodation area which holds a variety of categories, including admissions as well as positive and symptomatic COVID cases; • Recovery Hub – this is the area which hosts activities to assist individuals in their Recovery pathway; • Radio station – new initiative that provides a dedicated radio station for the prison. This went live on 16th August 2021 and has been developed in conjunction with the individuals in our care to ensure that the user voice has been incorporated into the delivery model; • Education area – meet with team leader of Fife College as they are crucial to the progression of activity and learning within the prison; • Bravo Hall – oldest accommodation in Perth which holds a mixture of categories of prisoner; • Main visit room – Physical and virtual visits; • Q&A in Governor’s boardroom.
12.00	Cabinet Secretary departs establishment

[redacted – out of scope]

BRIEFINGS

[redacted - out of scope]

PRIORITIES

Population Management

As a local prison, Perth must be able to accept individuals from court on a daily basis, in addition to holding remand, short term and long term individuals which means daily management of this complex population is a main activity for prison staff. Ensuring the appropriate service delivery to each part of the population is also a main priority.

Sentence Management/Programme Delivery

Sentence management for those serving long term sentences is carried out through integrated case management (ICM) and, in terms of intervention programmes, Perth focus on the delivery of the Discovery and Pathways behavioral programmes. Collectively, this approach allows an individual serving a long term sentence the opportunity to address their needs and to put themselves in the best position for consideration for release at the earliest opportunity and for successful reintegration into the community.

For those serving short term sentences, Perth delivers a needs based programme based upon the individual's circumstances at that point. Predominantly, the challenges faced by this cohort relate to long term alcohol and drug addiction and associated health issues. Perth also offer the Short Term Interventions Programme (STIP), although delivery has been adversely affected by COVID. This programme involves voluntary participation in group work modules such as Motivation and Goal Setting where it encourages individuals to consider and develop their thinking and responses to different issues and situations which have led to their offending.

Collaboration with NHS

Perth recognise that healthcare delivery is a primary goal within the establishment and NHS Tayside deliver prison-based healthcare across mental health, substance use and primary care. NHS Prison Healthcare work closely with SPS to continue to make improvements to the delivery of healthcare to the population of HMP Perth. There have been clear improvements in communication across the two organisations, with regular joint meetings at all levels. However, the NHS continue to have staffing challenges with high use of agency nursing staff, however, they are highly experienced, regular staff, and are valuable members of the team.

Support services

Another main focus is ensuring opportunities for support through contact with services in the prison and referral to community services on release. In order to

develop this service, Perth has realigned a number of staff. Recent initiatives undertaken are:

- Additional staff resource directed into the Recovery Hub and Recovery Café to assist those on their Recovery journey, which includes supporting the pathway into residential rehab units where appropriate. Activities are facilitated by SPS, NHS, and 3rd sector staff, and Fife college have developed SQA qualifications relating to Recovery for those participating. Furthermore, Perth has secured funding from the Perth and Kinross Alcohol and Drugs Partnership (ADP) to introduce practitioners with lived experience to work as part of this team.
- Introduction of a 'Person of Concern Review Group' (POCRG) which is a daily call between SPS and NHS where individuals in our care who are causing most concern are discussed. This is an assertive outreach model that then tasks the most appropriate staff to engage with the individual and offer support. Support centres primarily around addictions, mental health, and in some cases, primary care but it allows SPS and NHS staff to work collaboratively to improve the health outcomes of those we care for in a time of crisis. This started in April 2021 and to date has discussed over 500 cases.
- The development of a prison radio station which has a focus on Recovery and went live on the 16th August 2021. This offers a range of entertainment including music, pod casts, arts and drama, as well providing training opportunities for those in Perth. Fife College, a founding partner of the radio station, co-deliver related SQA qualifications alongside SPS. Furthermore, the station is an invaluable resource to communicate important updates and messages to the prisoner population in a timely manner.
- Introduction of a Citizenship and Life Skills Officer who will deliver a range of courses in collaboration with Fife College and external services such as Police Scotland, Scottish Fire and Rescue Service, and 3rd sector. The overall aim is to help better prepare people for going back to their communities.
- Working towards making Perth a Recovery focused establishment where every interaction staff have with those in our care is an opportunity to promote Recovery. This will include upskilling operational staff across all functions.

KEY ISSUES AND CHALLENGES FOR HMP PERTH

[redacted – out of scope]

Substance Misuse

Perth, similar to other establishments, has witnessed a high level of individuals presenting under the influence of unknown substances on a regular basis (primarily using vapes to 'smoke' paper soaked in PS). To combat the worryingly high levels of substance misuse, Perth has introduced the Person of Concern Review Group

(POCRG) and in conjunction with the work undertaken in the Recovery Hub, are working with NHS Tayside to ensure individuals are offered treatment as soon as possible. Within the establishment, around 230 people receive Opiate Substitute Therapy (OST), which includes around 25 individuals on Buprenorphine. This treatment has been introduced within the last 18 months and is proving popular with those who receive it.

Furthermore, as a significant proportion of these substances discussed were being smuggled into the prison through clothing parcels, the prison has been innovative in using technology to combat this, introducing a robust IT system that prevents individuals from receiving these parcels anonymously which has led to a significant reduction in this method of entry.

Prison Population

[redacted – out of scope]

Email 10

Thu 11/11/2021 16:29

From: SPS [redacted]

Scottish Prison Service: HMP Shotts daily update [SEC=OFFICIAL]

To: Cabinet Secretary for Justice and Veterans

CC: [redacted]

Good afternoon [redacted]

The latest update from HMP Shotts is as follows –

- An individual was found unresponsive in his cell this afternoon. NHS staff attended and administered naloxone. An ambulance was called but the individual refused to be assessed by paramedics and refused to attend hospital.
- One individual remains in hospital.

A number of tactical response activities including targeted and area searching are continuing.

Can you advise if the Cabinet Secretary still wishes to receive a daily update regarding HMP Shotts or if this can now be stood down?

Kind regards,

[redacted]

Email 11

Tue 09/11/2021 12:28

From: [redacted]

Scottish Prison Service: HMP Shotts daily update [SEC=OFFICIAL]

To: Cabinet Secretary for Justice and Veterans

CC: [redacted]

Good afternoon [redacted]

The latest update from HMP Shotts is as follows –

- There have been no new admissions to hospital over the past 24 hours
- One individual remains in hospital.

A number of tactical response activities including targeted and area searching are continuing.

If you need any further information, please do let me know.

Kind regards,
[redacted]

Email 12

Mon 08/11/2021 15:31

Scottish Prison Service: HMP Shotts daily update [SEC=OFFICIAL]

To: Cabinet Secretary for Justice and Veterans

CC: [redacted]

Good afternoon [redacted]

The latest update from HMP Shotts is as follows –

- There were no new admissions to hospital over the course of the weekend
- Of the three individuals reported in Friday's update, one returned to the establishment at the weekend and another is being discharged today.
- One individual remains in hospital.

A number of tactical response activities including targeted and area searching are continuing.

If you need any further information, please do let me know.

Kind regards,
[redacted]

Email 13

Wed 10/11/2021 11:35

From: [redacted]

RE: Scottish Prison Service: HMP Shotts daily update [SEC=OFFICIAL]

To: Cabinet Secretary for Justice and Veterans

CC: [redacted]

Good morning [redacted]

The latest update from HMP Shotts is as follows –

- There have been no new admissions to hospital over the past 24 hours
- One individual remains in hospital. We understand his condition is improving.

A number of tactical response activities including targeted and area searching are continuing.

Can you advise if the Cabinet Secretary still wishes to receive a daily update regarding HMP Shotts or if this can now be stood down?

Kind regards,

[redacted]

Email 14

Wed 04/11/2021 09:22

From: [redacted]

RE: Scottish Prison Service: HMP Shotts daily update [SEC=OFFICIAL]

To: Cabinet Secretary for Justice and Veterans

CC: [redacted]

Good morning [redacted]

The latest update from HMP Shotts is as follows –

- There have been no new admissions to hospital in the past 24 hours.
- Two individuals have made a full recovery and returned to the establishment.
- One individual remains in hospital.

If you need any further information, please do let me know.

Kind regards,

[redacted]

Email 15

Extract of Note of Meeting

Bilateral Meeting with the Cabinet Secretary for Justice and Veterans and the Minister for Mental Wellbeing and Social Care – Tuesday 21 September 2021- 15:30-16:00 – Microsoft Teams

[redacted – out of scope]

Meeting Content

- [redacted – out of scope]
- [redacted] began the meeting by giving an overview of the current position of healthcare in Scottish prisons highlighting the significant concerns faced by SPS including self-harm, suicide prevention, deaths in custody and substance misuse – all in which have sharply come in to focus throughout the pandemic.
- [redacted – out of scope]
- [redacted] highlighted that they have a significant amount of people in their care receiving methadone treatment which can significant impact on prison regime, however highlighted the success of Buvidal.
- [redacted – out of scope]

- Key areas [redacted] highlighted in which needed improvement:
 - Different approach taken by each health board in terms of accessing services as well as methadone treatments.

[redacted – out of scope]

Email 16

Thu 11/11/2021 08:38

From: SPS

RE: General Oral PQ - S6O-00405 - Due 12 pm Tuesday

To: [redacted]

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

Good morning

SPS will lead on this one.

Many thanks

[redacted]

OFFICIAL

From: [redacted]

Sent: 10 November 2021 17:56

To: [redacted]

Subject: General Oral PQ - S6O-00405 - Due 12 pm Tuesday

Hello

I would appreciate it if you could take a look at the below General ORAL PQ and let me know if this is for your area.

10. Jamie Greene: To ask the Scottish Government what its response is to reports that the number of drugs tests taking place in prisons has fallen considerably since 2018. (**S6O-00405**)

PQ deadline is – Due 12 pm Tuesday

If not your area, grateful if you could let me know why and point me in the right direction of who you think may be able to lead.

Thank you in advance

[redacted]

Email 17

Wed 10/11/2021 18:00

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

RE: Correspondence- Response to Douglas Ross MSP- Follow up from FMQ of 4 Nov- HMP Shotts drug deaths (A35283627)

To: [redacted]

CC: [redacted]

Hi [redacted]

Mr Brown is content for the revised letter to issue. Please find attached final version, sent to Douglas Ross and copied to Criminal Justice Committee Convener and Minister for Drugs Policy this evening

Thanks,
[redacted]

From: [redacted]

Sent: 09 November 2021 16:36

To: Cabinet Secretary for Justice and Veterans

Cc: [redacted]

Subject: RE: Correspondence- Response to Douglas Ross MSP- Follow up from FMQ of 4 Nov- HMP Shotts drug deaths (A35283627)

[redacted]

Revised letter now attached. I have tracked the changes to identify the changes I have made which include;

- Taking out some background material to reduce length reducing it to 3 pages from 4.
- Adding in the line regarding the Cabinet Secretary ensuring he discusses with PS and SPS (as per his request below).
- Stating that the Cabinet Secretary is content to meet with Mr Findlay (as raised during Topical last week).

Subject to the Cabinet Secretary's consideration, grateful if this could issue **tomorrow ahead of Thursday FMQs**. The FMQ lines are up to date and state that the letter has been issued.

Many thanks
[redacted]

Email 18

Mon 08/11/2021 14:29

From: [redacted]

FW: Correspondence- Response to Douglas Ross MSP- Follow up from FMQ of 4 Nov- HMP Shotts drug deaths (A35283627)

To: Cabinet Secretary for Justice and Veterans

CC: [redacted]

PS/Cabinet Secretary for Justice & Veterans

Apologies- we've amended the draft letter to remove the section about CSJV raising the issue with Cabinet colleagues. I should be grateful if you would replace the draft previously sent with the attached version.

Many thanks
[redacted]

[Redacted rest of email as has already been included, earlier]

Email 19

From: Cabinet Secretary for Justice and Veterans
Re: FOR CAB SEC CLEARANCE: Drugs in prisons latest - Scottish Sun
To: [redacted]
CC: [redacted]
Content.

From: [redacted]

Sent: Sunday, November 7, 2021 12:15:08 PM

To: [redacted]

Cc: [redacted]

Subject: FOR CAB SEC CLEARANCE: Drugs in prisons latest - Scottish Sun

Cab Sec

(Copied to PO and MSP address)

Grateful for a view of lines agreed by SPADs, policy and comms to meet a query from the Scottish Sun which has inquired about additional overdose cases at HMP Shotts since the 10 that were reported last Sunday/Monday. The story for Monday includes this Scottish Conservative quote.

"While Keith Brown's agreement to finally put a stop to the main source of drugs into Scottish prisons is welcome, we still don't know the details. Prison officers who are dealing with the chaos of rampant prisoner drug use deserve to know when the mail will be stopped. There is a fear that organised crime gangs will seek to stockpile drug-soaked items before the ban is introduced, so speed of implementation is important."

Grateful for Cab Sec's view of the following suggested response.

A Scottish Government spokesperson said:

"As the Cabinet Secretary for Justice and Veterans outlined to Parliament on Tuesday, after detailed operational consideration, the prison service will propose an amendment to current regulations which will enable routine photocopying, where there is an identified level of threat, of general prisoner correspondence in order to deter and detect illegal substances entering the prison estate.

"The prison service has robust security measures in place to prevent illicit items entering our prisons and to ensure the safety of staff and those within its care. For example machines which detect drugs are in use at all prisons and other measures are routinely employed."

Background

Interim Chief Executive of the Scottish Prison Service has offered to meet with Mr Findlay to discuss the operational considerations of the proposal in more detail.

Thanks [redacted]

Email 20

Thu 04/11/2021 13:39

From: [redacted] on behalf of Cabinet Secretary for Justice and Veterans
RE: FMQs - Drugs in Prisons
To: [redacted]
CC: [redacted]

[redacted]

To see attached we have just received – are you able to take forward please and provide advice/letter?

Thanks
[redacted]

Email 21

Mon 25/10/2021 20:47

From: [redacted] on behalf of Cabinet Secretary for Justice and Veterans
RE: FOR CAB SEC CLEARANCE: Shotts prison letter - Daily Express
To: [redacted]
CC: [redacted]
Hi [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.

[redacted]

From: [redacted]
Sent: 25 October 2021 19:47
To: Cabinet Secretary for Justice and Veterans; Minister for Community Safety
Cc: [redacted]
Subject: RE: FOR CAB SEC CLEARANCE: Shotts prison letter - Daily Express

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

[redacted]

From: [redacted]
Sent: 25 October 2021 19:32
To: Cabinet Secretary for Justice and Veterans; Minister for Community Safety
Cc: [redacted]
Subject: FOR CAB SEC CLEARANCE: Shotts prison letter - Daily Express
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 Findaly 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."

[redacted]

Email 22

Tue 19/10/2021 17:23

From: [redacted] on behalf of Minister for Community Safety

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

To: [redacted]

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

Hi [redacted]

Ms Regan has considered and is content to clear.

Many thanks,

[redacted]

From: [redacted]

Sent: 19 October 2021 16:55

To: Minister for Community Safety

Cc: [redacted]

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):

I'd be hugely grateful of Ms Regan's consideration of the following media line agreed by SPAD, comms and policy colleagues in response to media requests we have received from a number of media outlets.

They are responding to a Scottish Conservative news release on the number of ambulance calls made to prisons in relation to cases of overdosing or poisoning. It sets out how they have risen more than 150 per cent in the last five years.

The full release from the Scottish Conservatives copied further down this email and the FOI it is based on attached.

A Scottish Government spokesperson said:

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

“Rapiscan machines, which detect substances that may have been concealed in items of mail and personal property, are used in every prison in Scotland and contingency plans are also in place should any machine break.

“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.”

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.

CONSERVATIVE RELEASE

Embargo: 00.01, Wednesday, 20 October 2021

The number of ambulance calls made to prisons in Scotland in relation to cases of overdosing or poisoning has risen by more than 150 per cent in the last five years, the Scottish Conservatives have revealed.

A Freedom of Information request from the party shows that 80 calls were made during the pandemic in 2020-21. This was a sharp rise on the 30 calls that were made in 2016-17, a rise of 167%.

Ambulances were called 13 times at HMP Barlinnie, while 12 calls were made at HMP Glenochil. A further eight calls were made at prisons in Kilmarnock and Low Moss.

Shadow Community Safety Minister Russell Findlay says the figures should be a wake-up call for SNP Ministers and called on them to take measures to urgently stop drugs getting into prisons.

Scottish Conservative Shadow Community Safety Minister Russell Findlay MSP, said: "Scotland's prison drugs crisis is adding to the immense pressure on hard working staff and our already overstretched ambulance crews.

"This shocking rise of over 150 per cent for prison ambulance call outs over five years confirms the warnings from prison officers.

"I have spoken with prison officers who are at breaking point. Many of these calls outs will be for suspected drugs overdoses.

"These figures should be a wake-up call for the SNP justice secretary, health secretary and drugs minister. Our ambulance service cannot cope with calls increasing at this rate.

"SNP Ministers have repeatedly ignored my calls to tackle the main source of prison drug smuggling - which is substances being soaked into items of mail.

"They could stop this immediately but instead come up with a vague commitment to look into it.

"That is a dereliction of duty and puts prison staff and ambulance crews under increased pressure. It also reduces the chances of prisoners to get clean and rehabilitate."

Notes: The response from the Scottish Ambulance Service is attached.

The Scottish Ambulance Service provided figures that were represented as [5 to avoid identifying any of those involved in these incidents. Where this figure was given, there has been an approximation taken by rounding up the median of [5, which is 3.

Thanks so much, [redacted]

Email 23

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

Sent: 14 October 2021 13:53

To: [redacted]

Cc: [redacted]

Subject: FW: Concerns [SEC=OFFICIAL]

All

To see email chain below and attached.

Grateful for your views on handling before sending to MiCase.

Thanks

[redacted]

[redacted further chain as already included]

Email 24

Fri 08/10/2021 17:08

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

RE: FOR CAB SEC CLEARANCE: Prison officer absence / mental health - Sun on Sunday

To: [redacted]

CC: [redacted]

[redacted]

The Cabinet Secretary is content.

[redacted]

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

From: [redacted]

Sent: 08 October 2021 15:18

To: Cabinet Secretary for Justice and Veterans

Cc: [redacted]

Subject: FOR CAB SEC CLEARANCE: Prison officer absence / mental health - Sun on Sunday

Cab Sec PO:

I'd be extremely grateful of consideration of lines agreed by SPAD, policy colleagues and comms in relation to a media query from the Sun on Sunday.

It is working on a story about how between 2016-17 and 2020-21, some 100,770 working days were taken off by Scottish Prison Service staff due to mental health issues.

Conservative MSP Jamie Greene has told them: "These damning figures from the Scottish Prison Service show the full scale of SNP government neglect. Prison staff are subjected to vast amounts of pressure every day, and we have a responsibility to alleviate some of that pressure by tackling its causes head-on. The SNP government's failure to address the drugs crisis in our prisons only feeds into a vicious cycle of crime. That can lead to violence against prison staff and cause significant mental health problems. To avoid mental health absences increasing even further, the SNP must take action to stop letting drugs into our prisons and clamp down on violence against our hard-working prison officers."

The figures are from an FoI request that showed that in 2016-17, 13,799 staff days were lost due to mental health issues. In 2017-18 the figure was 18,813, in 2018-19 it was 23,966, in 2019-20 it was 23,059, and in 2020-21 there were 21,133 days off for mental health reasons.

Very appreciative if PO can signal Mr Brown's view of the handling.

A Scottish Government spokesperson said:

“The number of days lost to mental health absence has fallen in each of the last two years and was nearly 12% lower in 2020-21 than it was in 2018-19.

“We recognise the importance of providing a safe environment for staff who work in our prisons. Prison officers work in a difficult and intensive environment. The Scottish Prison Service (SPS) provides a range of measures and interventions for staff who require them, including occupational health support and access to counselling services. It is to the great credit of staff who work in our prisons that they perform well and that good order is maintained. That is especially true given the additional complexities caused by the covid period.

“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.”

Thanks, [redacted]

Extract from briefing pack for Criminal Justice Committee – 9 Sept 2021

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.