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Office of Surveillance
Commissioners

OFFICE OF SURVEILLANCE COMMISSIONERS
INSPECTION REPORT

SCOTTISH PRISON SERVICE

6th - 8th February 2006

Inspectors:
Andrew Mackian (Lead Inspector)
David Wilson

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File ref: OSC/INSP/089

Office of Surveillance
Commissioners

The Rt. Hon Sir Andrew Leggatt
Chief Surveillance Commissioner
PO Box 29105
London SW1V 1ZU

10th February 2006

OSC INSPECTION REPORT – SCOTTISH PRISON SERVICE.

INSPECTION DETAILS

1. Date of inspection

6th to 8th February 2006.

2. Inspector(s).

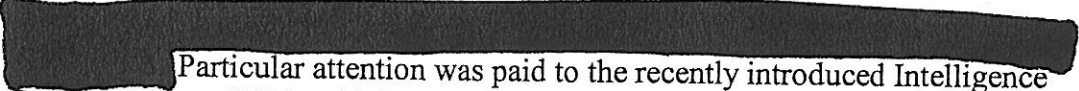
Andrew Mackian (Lead) and David Wilson.

INTRODUCTION

3. The Scottish Prison Service (SPS) is headed by a Chief Executive who reports to Scottish Ministers, who in turn are responsible to the Scottish Executive for the Scottish prison system. The SPS is an Executive Agency and as such is managed in accordance with the Agency Framework Document.
4. There are 15 penal establishments in Scotland ranging in size from HMP Barlinnie in Glasgow with over 1000 prisoner places, to HMP Inverness with 108. In addition there is a National Induction Centre for prisoners beginning longer sentences. A number of the prisons are over 100 years old. HMP Shotts (Lanarkshire) opened in the 1980s and the newest prison at Kilmarnock in Ayrshire opened in spring 1999, having been constructed through a Private Finance Initiative scheme.
5. At the time of the inspection the total prisoner population consisted of 948 adult remand prisoners, 251 remanded young offenders, 4,818 convicted adult offenders and 613 convicted young offenders. In addition there were 50 re-called life prisoners, 182 prisoners awaiting sentence, one prisoner awaiting deportation, and one prisoner under the age of 16 years, making a total prison population of 6,864. The current establishment of the SPS is approximately 4,500 staff members.
6. The Chief Executive of the SPS is Mr Tony Cameron, Calton House, 5 Redheughs Rigg, South Gyle, Edinburgh EH12 9HW.

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INSPECTION APPROACH

7. The inspection commenced with a briefing at the SPS Headquarters provided by Tony Simpson, Assistant Director of Prisons and Stephen Murphy, National Operations Manager. A detailed presentation was given on the progress the SPS has made, in partnership with Grampian police, to develop the National Intelligence Model (NIM) and the impact this has had on the management of prison intelligence.
8. A detailed examination of the SPS Policy on Covert Surveillance and the Use of Covert Human Intelligence Sources (CHIS), and the Intelligence Management Framework Policy document that provides additional guidance on the use of CHIS, in accord with the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA), was undertaken. Discussion also took place about present training arrangements and RIP(S)A administrative and oversight arrangements.
9.  Particular attention was paid to the recently introduced Intelligence Source Register (ISR), which will be further commented upon under the Significant Issues section of this report. Visits were made to HMP Edinburgh and HMP Aberdeen. Discussion took place with the Prison Governors for both establishments and senior staff. These inspection findings are contained within the Appendix to this report.
10. The opportunity was taken to discuss the key issues emerging from the inspection by video conference with Mike Duffy, Director of Prisons, on day two of the inspection. The overall inspection findings were discussed with the Assistant Director of Prisons and National Operations Manager at the conclusion of the visit.

REVIEW OF PROGRESS

11. There were four recommendations arising from the 2003 inspection of the SPS:

Recommendation 1:

The corporate RIP(S)A policy should be amended to reflect section 19(1) of RIP(S)A by excluding Deputy Governors from providing urgent oral authorisations.

This amendment is yet to be undertaken. The policy is to be further reviewed following the findings of this inspection and an undertaking has been given to include this amendment.

Recommendation 2:

The Scottish Prison Service should provide appropriate training to all staff in respect of its RIP(S)A policy on Covert Surveillance and the use of CHIS.

This recommendation has not been undertaken to any meaningful extent.

Recommendation 3:

To ensure compliance with RIP(S)A all intelligence/information should be properly sourced, provenanced, evaluated and where appropriate, authorisation for use and conduct of a CHIS sought.

Whilst considerable progress has been made to deal with intelligence a commensurate level of RIP(S)A development has not taken place.

Recommendation 4:


To counter a potential challenge of invasion of privacy a review should be conducted to ensure that all CCTV and monitoring equipment signs are conspicuously displayed.

Prominent signage was evidenced in both prison establishments subject of inspection.

POLICIES AND PROCEDURES.

12. The Covert Surveillance Policy is a detailed document and provides a comprehensive guide for both applicants and Authorising Officers (AO). Prison Governors have responsibilities as AO for Directed Surveillance and the use of CHIS. The Intelligence Management Framework Policy places specific responsibility on Prison Governors to put in place structures within establishments to establish a management system for CHIS, including the appointment of Handlers and Controllers and the publication of local arrangement statements (Paragraphs 13.23 to 13.25). There is limited reference within the documents to the Codes of Practice (COP) which are essential guides for AOs to consider in the discharge of their legislative responsibilities.
13. When SPS Technical Support Unit staff are deployed in support of enforcement requirements and the use of covert surveillance, and technical equipment is a requirement, the Covert Surveillance Policy would benefit from clearer instruction to AOs regarding their role.
14. Protocols for the sharing of intelligence between the SPS and Grampian Police are under development and are being considered as an example of best practice by the Association of Chief Police Officers for Scotland (ACPOS).

RELATED TRAINING.

15. The lack of specific RIP(S)A training provision by the SPS is yet again exposed by this inspection. This omission completely undermines the satisfactory development of RIP(S)A compliance policies, and places both an AO and the SPS in a particularly vulnerable position should pro-active use of the legislation be undertaken. 
16. Prison Governors are unable to carry out the instructions contained within the Covert Surveillance and Intelligence Management Policies through a lack of personal training and the availability of trained resources to undertake Directed Surveillance and CHIS management responsibilities. RIP(S)A awareness training has apparently been provided to over 200 members of staff, as part of an Incident

Management Training week, but this at best, appears to have been perfunctory.

17. This situation is likely to be further exacerbated by the considerable and commendable progress the SPS has made in the development of intelligence through the NIM. By design, this strategic initiative will provide opportunities for the SPS to undertake a pro-active approach to enforcement requirements, thereby likely to necessitate the use of RIP(S)A authorisations and exposing present training deficiencies.

SIGNIFICANT ISSUES.

[REDACTED]

[REDACTED]

i. [REDACTED]

ii. [REDACTED]

iii. [REDACTED]

iv. [REDACTED]

v. [REDACTED]

vi. [REDACTED]

vii. [REDACTED]

[REDACTED]

19. There was little evidence of a monitoring and quality control procedure for RIP(S)A compliance, nor evidence of understanding the significance of such a requirement by relevant staff.

20. [REDACTED]

[REDACTED]

21. The inspections of HMP Aberdeen and HMP Edinburgh further evidenced the detrimental impact the lack of training and the absence of strategic leadership is having on the SPS.

22. A 'stop-gap' procedure has been put in place by SPS HQ to assist HMP establishments who are considering the use of CHIS. The procedure is for a member of the NIB, who is a trained CHIS Handler to be contacted for advice. The lack of AO training and the absence of trained CHIS Controller and Handler resources across the service should be a major consideration before any such activity is considered.

23. The development of ISRs now provides an overview of prison intelligence. ISRs are maintained at each prison establishment by the Intelligence Management Unit (IMU) and a master record is maintained at the NIB within the SPS HQ. Through the use of the NIM strategic analyst repeat sources of intelligence are now being identified.

24. [REDACTED]

25. [REDACTED]

BEST PRACTICE.

26. The development of the NIM by the SPS and the introduction of Intelligence Analysts have now provided a focussed approach to intelligence gathering and analysis. A pilot scheme at HMP Aberdeen further enhances this initiative through the secondment of a Police Officer from Grampian police who has the role of Prison Liaison Officer.
(Paragraphs 7, 14 and 26).

27. Whilst subject of cautious comment, the development of ISRs to evaluate the source and provencing of intelligence is considered an example of best practice (Paragraphs 23 and 24).

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CONCLUSIONS

28. The lack of progress by the SPS to address the recommendations from previous OSC inspections, in particular training, is lamentable. The development of policy without suitable training places both individuals and the organisation in an exposed and precarious position. The apparent absence of strategic leadership to address the requirement for RIP(S)A compliance on behalf of the SPS is considered a significant contributory factor.
29. There is however, strong optimism that from the positive and professional attitude displayed by Assistant Director of Prisons and National Operations Manager, a significant improvement is likely to take place before the next OSC inspection.
30. Some of this progress was underway and evidenced during the course of the inspection. Liaison has taken place with the Northern Ireland Prison Service to identify best working practices and a training needs analysis is underway to identify suitable staff to undertake CHIS Controller and Handling Courses. Evaluation is taking place of CHIS training provided by H.M. Revenue and Customs, with the intention of creating a bespoke RIP(S)A training programme to be delivered by accredited trainers from the Scottish Prison Service College. The National Operations Manager will now undertake RIP(S)A compliance responsibilities on behalf of the SPS.
31. If the same level of competence and expertise can be developed for RIP(S)A as has been achieved for intelligence analysis, then the SPS can look forward to achieving a high level of future legislative compliance.
32. The professional and efficient arrangements undertaken by SPS HQ staff and the courtesy of all staff encountered during the course of the inspection process was particularly appreciated.

RECOMMENDATIONS

33. A sustainable RIP(S)A compliance regime to be made a strategic priority by the SPS and subject of executive oversight.
(Paragraphs 15, 16, 19, 25, and 28).
34. A structured training programme to deliver immediate and long-term RIP(S)A training for AOs and practitioners. (Repeat recommendation).
(Paragraphs 15,16,17,21 and 25).
35. A review of existing policies to be undertaken, to ensure that training and procedures are in place that achieve a commensurate level of expected compliance, in particular, the provision of CHIS Controllers and Handlers.
(Paragraphs 12,13,15,16 and 21).

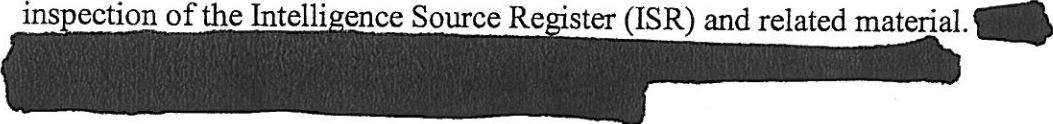
A.E. Mackinnon

Surveillance Inspector.

EDINBURGH PRISON.

1. Edinburgh Prison is classed as a local or community prison, receiving prisoners from the courts in Edinburgh and the Lothian & Borders. The prison holds adult male and male prisoners aged under 21 who are on remand or convicted awaiting sentence and convicted prisoners serving sentences from non-payment of fines to life imprisonment. At the time of inspection there were 598 convicted and 176 remand prisoners. The prison has an establishment of 398 staff that include 280 uniformed officers and 34 uniformed line managers.
2. The Governor is David Croft Esq., Edinburgh Prison, 33 Stenhouse Road, Edinburgh EH11 3LN.

Inspection.

3. The inspection commenced with a meeting involving David Croft, Governor, Brian Ironside, Head of Operations and Gary Law, Operations Unit Manager. There were discussions on policy, guidance, monitoring, quality control, training and intelligence procedures in relation to the Regulation of Investigatory Powers (Scotland) Act 2000 (RIP(S)A). The Surveillance Inspector was grateful for the assistance given during the inspection process.
4. There were visits to the Intelligence Management Unit (IMU), the CCTV Control Room, the open visits hall, the closed visits area, the visits area for lawyers and prisoners and the visiting areas CCTV room. There was an inspection of the Intelligence Source Register (ISR) and related material. 
5. The findings of the inspection were discussed with David Croft, Brian Ironside and Gary Law.

Policy.

6. The policy for RIP(S)A was the same as that inspected at the National Intelligence Bureau (See main report).
7. There was no policy or code of practice for the use of CCTV within Edinburgh Prison.

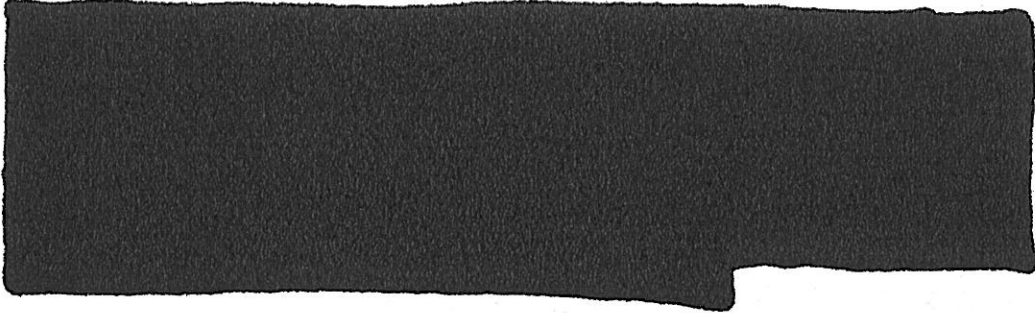
Training.

8. The Prison Service College provided a one day RIP(S)A awareness course in 2003 for the Governor, the senior management team and the staff of the IMU. In discussions during this inspection there was little understanding of the

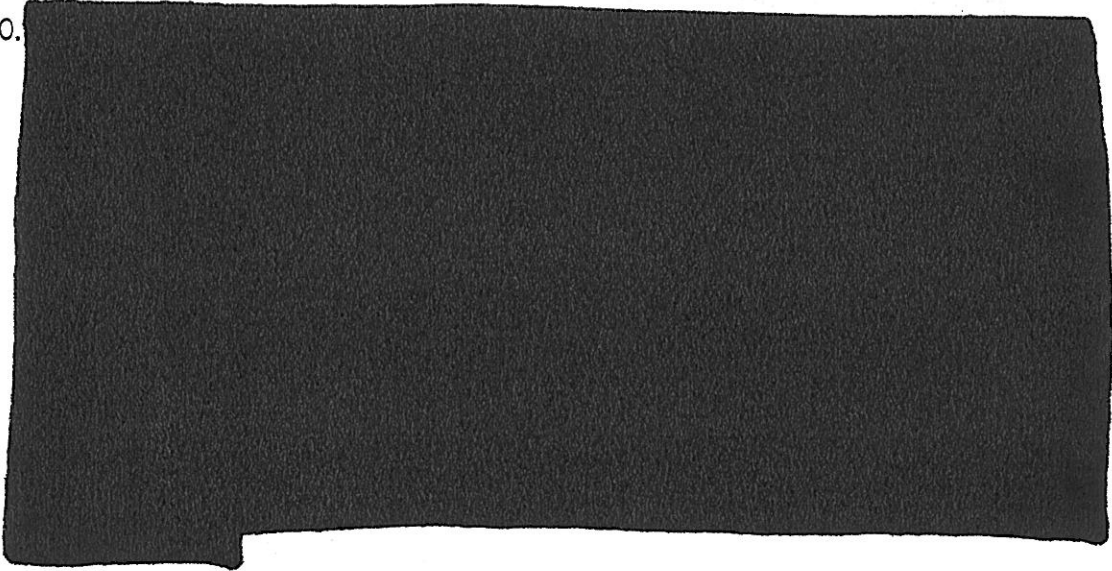
legislation and Codes of Practice demonstrated by anyone in Edinburgh prison.
There were no copies of the Codes of Practice available within the prison.

Covert Human Intelligence Sources.

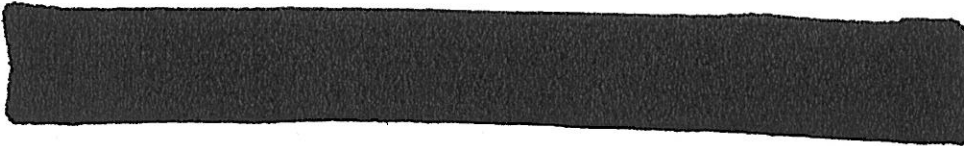
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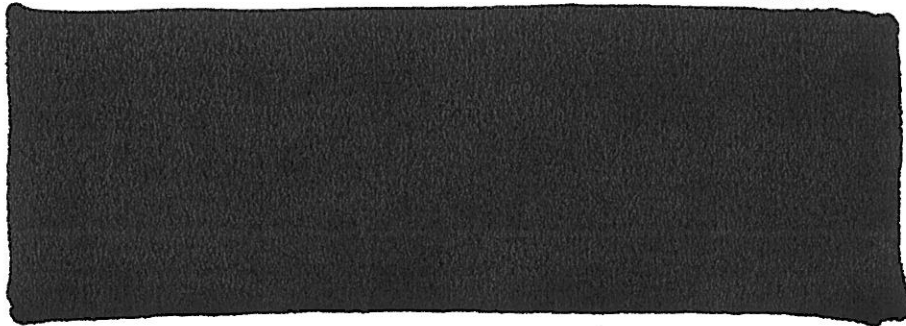
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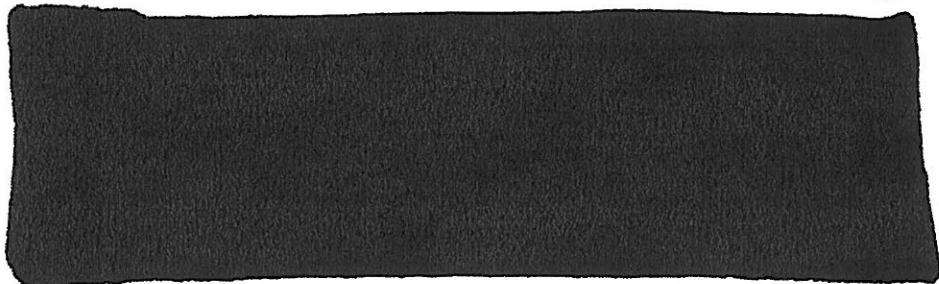
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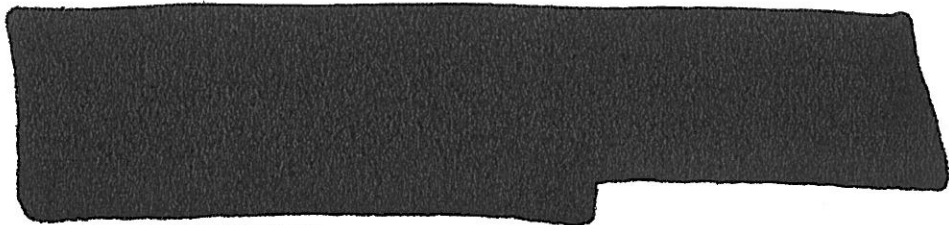
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ii.



iii.



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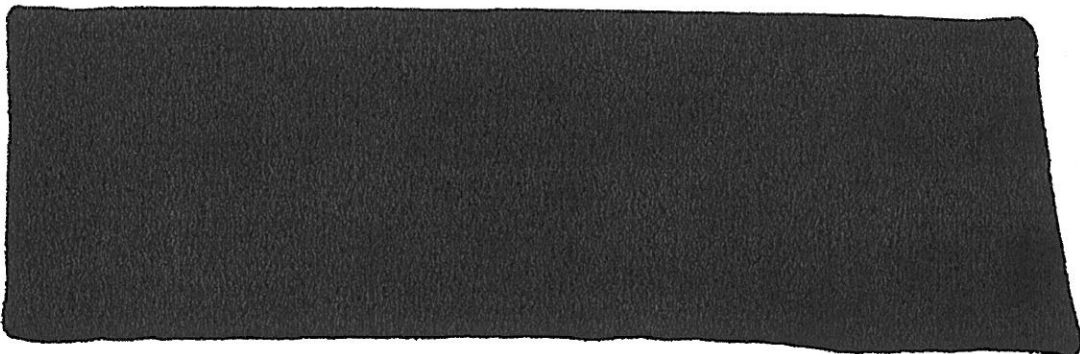


CCTV Systems.

- 13 All CCTV systems within the prison are overt and there were adequate signs throughout the prison informing prisoners, staff and visitors of the use of CCTV. The visits to the CCTV control room and the visits area CCTV monitoring room identified that the staff correctly use the equipment but the organisation would benefit from a formal CCTV Policy or Code of Practice.

Directed Surveillance.

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Conclusion.

- 15 The Scottish Prison Service has ignored their responsibility to comply with RIP(S)A and this was reflected in Edinburgh Prison. There has been no strategic direction from the Chief Executive of the Prison Service to ensure staff at all levels are fully aware of the legislation and Codes of Practice. The Scottish Prison Service is complacent in the use of unauthorised CHIS as identified in the inspection of Edinburgh Prison.

David A. Wilson.
Surveillance Inspector.

HMP ABERDEEN.

1. HMP Aberdeen is a local prison for the North-East of Scotland and the Northern Isles. The prison accommodates all remand prisoners and male adults serving sentences of up to four years. Female prisoners are housed in separate accommodation and are restricted to those serving under a six-month period of incarceration. The present prison population of 241 prisoners is overseen by 120 members of SPS staff.
2. The Governor is Audrey Mooney, HMP Aberdeen, 4 Grampian Place Aberdeen AB11 8FN.

Inspection.

3. The inspection commenced with a briefing from the Governor, Audrey Mooney, Deputy Governor, Tom Baird, Head of Operations, Paul Brennan and Intelligence Management Unit (IMU) Manager Mike Bisset. Discussion took place on local procedures in place to meet the compliance requirements of the Regulation of Investigatory Powers (Scotland) Act 2000. An inspection was undertaken of the internal and external CCTV system that included a visit to the control room. Visits were made to accommodation wings and the prisoner visits area.
4. An extended period of time was spent within the IMU and the opportunity taken to view the Intelligence Source Register (ISR) [REDACTED]
5. At the end of the inspection the findings were discussed with the Governor and senior staff. The arrangements made for the inspection and courtesy of all staff involved in the process was greatly appreciated.

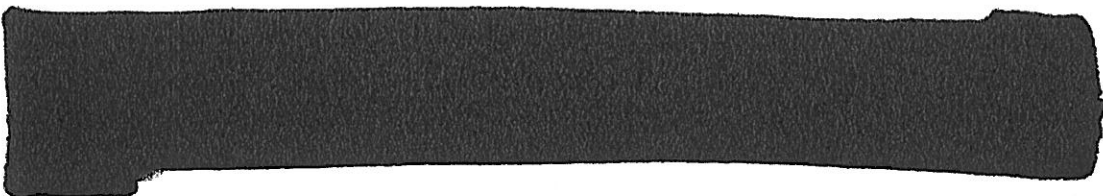
Policy.

6. [REDACTED]


Training.

7. Very limited formal RIP(S)A training has been undertaken, in the main confined to awareness briefings as part of incident management training. The Governor and Deputy Governor have not received Authorising Officer (AO) training.
8. Some additional awareness training has been provided internally by staff from the Intelligence Unit (IMU).

Intelligence Management Unit (IMU).

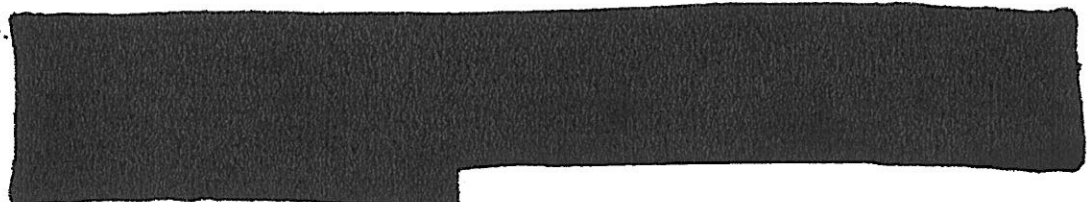
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10. Discussion took place with Mike Bisset, IMU Manager, John Morrisson, Intelligence Analyst, Jackie Murray, Data Support Officer and Detective Constable Danny Robbs from Grampian police, who is the police Prison Liaison Officer.

11. 
Consideration is being given for the SPS, at some future date, to have access to the Scottish Intelligence Database (SID).

12. 

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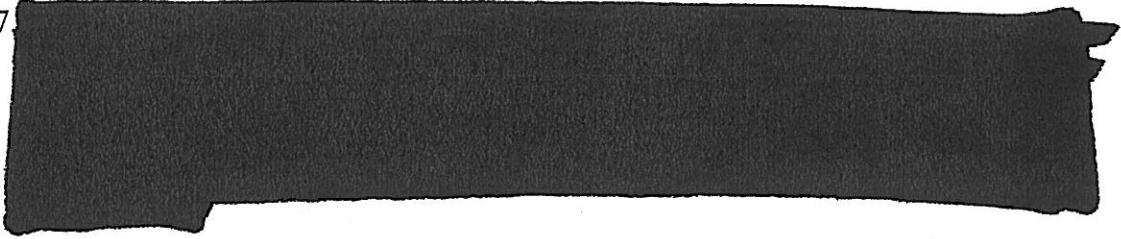
15. The enthusiasm and professional commitment of all staff within the IMU further emphasised that if the SPS developed RIP(S)A expertise to the same level as intelligence development, major benefits from the use of the legislation would result and a high level of compliance maintained.

CCTV.

16. The CCTV system throughout the prison establishment is overt. No use has been made of the system for covert purposes. Clear signs are in evidence at all locations where cameras are situated warning of their use. It was noted that the cameras covering the perimeter wall were able to view residential properties nearby. Consideration could be given to the fitting of privacy shutters on the cameras to ensure that inadvertent viewing within such premises does not take place. The on-duty camera operator should the CCTV be used for covert purposes was unaware of the requirements of RIP(S)A, but did have an understanding of the implications of collateral intrusion. The SPS may wish to include awareness training for camera operatives within the proposed training strategy.

Conclusion.

17



A.E. Mackian

Andrew Mackian.
Surveillance Inspector.