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Our Ref: IM-FOI-2022-1250
Date: 07 July 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

Please accept our apologies for the delay in providing a response.

Police Scotland continues to investigate reports of 'spiking'. Spiking, whether by adding drugs or alcohol to someone's drink, or by injection, without their consent, is a criminal offence. It can put people at significant risk of harm.

Officers are not always able to determine the reasons why a perpetrator carries out an assault in this way, but every report is taken seriously and investigated robustly.

Police Scotland continues to work with a range of partners, locally and nationally to ensure pubs and clubs are safe spaces for all.

We are working in communities, with licensees, pubs and clubs, to provide advice and support and to offer bystander training to help spot the signs of when someone may be at risk. We have also reached out to student communities to offer advice, support and reassurance.

We would encourage anyone who believes they have had their drink spiked or been assaulted in this way to contact Police Scotland on 101 or in an emergency 999.

For ease of reference, your request is replicated below together with the response.

- 1. The national guidance issued by Police Scotland to officers during Operation Precept on the policing response and investigation into reported incidents of potential drugging.**
- 2. Standard operating procedures for the policing response and investigation of potential drugging incidents.**

There is no Police Scotland Standard Operating Procedure in relation to Drugging specifically and section 17 of the Act therefore applies - the information sought is not held.

To be of assistance, I would refer you to our [Crime Investigation SOP](#) and the [Scottish Crime Recording Standard](#).

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Investigations will take the form of a 'victim centred approach' with the priority being welfare of the victim.

Medical intervention will be sought as required and incidents will be investigated thoroughly, with all lines of enquiry followed.

There are a number of third sector and voluntary organisations available to provide support for victims and appropriate referrals, in keeping with the reported circumstances, will be made.

All appropriate forensic samples will be captured by Police Scotland during the course of investigations and will be submitted to the [Scottish Police Authority Forensic Services](#) for examination as appropriate.

Any more detailed documents regarding investigative strategies around drugging/ administration of a substance for sexual purposes are considered exempt from disclosure.

Section 16 of the Freedom of Information (Scotland) Act 2002 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemptions that I consider to be applicable are as follows:

- Section 35(1)(a)&(b) - law enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially (a) the prevention or detection of crime and/ or (b) the apprehension or prosecution of offenders.

In terms of your request, more detailed information could be of potential intelligence value to offenders in ascertaining means of avoiding detection by the Police or compromising future prosecutions.

Whilst I accept that there is a public interest in better informing the public as to how Police Scotland investigate crimes, there can be no parallel interest in providing a level of detail which would result in the police being less able to keep people safe from harm and detect crime and bring offenders to justice.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

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Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.