| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0977  Responded to: 15th May 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

**I am writing to you under the Freedom of Information Act 2000 to request the following information from North Ayrshire Police, on the issue of drugs diversion. Please may you provide me with answers to the following questions:**

Following a clarification request you confirmed that information for Police Scotland as a whole would be acceptable.

1. **Is drug diversion implemented in your constabulary area?**
2. **When (year and month) did your police force formally start implementing its drug diversion scheme?**
3. **What diversion methods does your police force use? Examples might include out of court disposals or community resolutions. Please list all that apply.**
4. **Does your police force monitor the outcomes of its diversion scheme? If so, what does it measure? Please list all that apply.**
5. **Does your police force require that a person caught in possession of drugs formally admit guilt or acceptance of responsibility to be eligible for diversion?**
6. **Does your police force’s diversion scheme allow people to pass through it more than once?**
7. **Since the diversion scheme has been implemented by your police force, how many people have been considered for drug diversion after being found in possession of an illicit substance, but have been deemed ineligible due to previous convictions or police interactions? Please specify in terms of a) number of recorded incidents; and b) broken down by the ethnicity of the subject, as perceived by the reporting officer.**
8. **Since the diversion scheme has been implemented by your police force, what has been the most commonly recorded substance? Does the scheme allow for all classes of drugs?**
9. **Since the diversion scheme has been implemented by your police force, has recorded drug use decreased or increased in your constabulary area? Please specify in terms of a) the number of recorded incidents; b) the drug use rate; and c) broken down by the ethnicity of the subject, as perceived by the reporting officer.**
10. **Since the diversion scheme has been implemented by your police force, to what extent has reoffending or rereferrals decreased or increased for minor drug crimes? Please specify in terms a) the number of recorded incidents; b) the reoffending rate; and c) broken down by the ethnicity of the subject, as perceived by the reporting officer.**
11. **Since the diversion scheme has been implemented by your police force, how many more or less people have engaged in drugs support, education, and treatment services? Please specify in terms of a) the number of recorded cases and; b) broken down by the ethnicity of the subject, as perceived by the reporting officer.**
12. **Since the diversion scheme has been implemented by your police force, has police resource for tackling minor drug offences decreased or increased? Please specify in terms of a) the number of officers deployed; b) amount of police hours worked; and c) financial costs.**

Whilst Police Scotland do have some direct measures open to us such as Recorded Police Warnings or Fixed Penalty Notices, these are not the same as drug diversion schemes as referenced in your request. Out of Court Disposals are used in England and Wales but within the Scottish Judicial System our options in terms of diversions are limited from a policing perspective as decisions relating to diversions from prosecution in Scotland rest with the Lord Advocate.

I have included a link below to our Direct Measures Standard Operating Procuedure (SOP) which contains some additional information but in regards to your specific request, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

[Direct Measures - Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/1yyffcgw/direct-measures-sop.pdf)

I would suggest that you contact the Crown Office and Procurator Fiscal Service (COPFS) who may be able to assist further. It is after Police Scotland have handed a case to COPFS that any diversion from prosecution would be considered.

You may wish to make a request to COPFS directly using the following email address: [foi@copfs.gov.uk](mailto:foi@copfs.gov.uk)

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.