

Our Ref: IM-FOI-2021-2876
Date: 28th February 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' which, whether by adding drugs or alcohol to someone's drink, or by injection, without their consent, is a criminal offence and 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 number of incidents of spiking with a needle reported to the force since 01/09/21, presented via a month by month breakdown.**
- 2. The outcome of each of these reports (for example, the number of arrests in connection with reports, the number of people charged in connection with reports, the number of cases under investigation and the number of cases no longer under investigation).**

In response to your request, I must first of all clarify that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classifications, and there is no classification for 'spiking' specifically.

To be of assistance, I have progressed your request in terms of the two most *potentially relevant* crime classifications as follows:

OFFICIAL

Drugging - Is a Crime at Common Law, when drugs are feloniously administered with intent to produce stupefaction. There need be no further intent, and it is not necessary that injury to the person be caused.

Administering a substance for sexual purposes - Section 11 of the Sexual Offences Scotland Act 2009 refers (for further details please see www.legislation.gov.uk)

For the period between 1 September and 31 December 2021 there were 358 recorded crimes in terms of these classifications, 2 of which are currently detected.

The recorded crimes can be broken down as follows:

Recorded Crime Data	Sep	Oct	Nov	Dec
Administering a substance for sexual Purposes	2	3	2	1
Drugging	8	121	153	68
Total	10	124	155	69

Data is management information only and is correct as at 27 January 2022

Unfortunately, I am unable to provide you with a further breakdown of this data in terms of whether or not a needle was alleged to have been used as it would be necessary to individually assess each crime report for relevance.

It is estimated that it would take in the region of 5 minutes per crime report to conduct such an exercise and, as such, it would far exceed the cost limit set out in the Fees Regulations which, as you may be aware is £600.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

It should also be recognised that even were it possible to conduct the assessment within cost, many of these crimes are incredibly recent and there will be continual updates to the crime report as investigations progress.

It may not always be possible so soon after reporting to determine the method used and furthermore, any initial assessment may change as investigations progress.

- 3. The number of incidents involving a needle (such as assault or possession) reported to the force since 01/09/21, presented via a month by month breakdown.**
- 4. The outcome of each of these reports.**

Having considered these questions in terms of the Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

OFFICIAL

OFFICIAL

By way of explanation, the only way to provide an accurate response to your request would be to individually assess for relevance all recorded crimes under the following classifications - Serious Assault, Possession of an offensive weapon or Having in a public place an article with a blade or point.

I can advise you that for the period covered by your request this amounts to over 2,000 recorded crimes which would have to be examined to establish whether a weapon was involved and indeed whether the weapon is described as a needle.

It is estimated that it would take in the region of 5 minutes per crime report and, as such, it is an exercise which would far exceed the cost limit set out in the Fees Regulations.

Should you require any further assistance please contact Information Management - Dundee on foidundee@scotland.pnn.police.uk 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.

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.

OFFICIAL