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Our Ref: IM-FOI-2022-0592  
Date: 14 April 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.

**A previous FOI response (21-2444) detailed the number of alleged incidents of spiking by injection from 2015-2021. This number of alleged spiking by injection totalled 57, with 51 recorded in 2021. The previous response also notes that:**

**"Enquiries are ongoing to establish the full circumstances of crimes reported and in some cases, that means that the additional information sought cannot be determined at this time."**

**In addition to this, the BBC reported on 20 January 2022 that Det Ch Supt Laura McLuckie said:**

**"However, we don't have any identified cases of any spiking by injection in Scotland at this time."**

**Therefore, the information I request is as follows:**

**OFFICIAL**

**i) Updated data regarding alleged spiking by injection in Scotland from December 2021- March 2022**

I would first of all advise you that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department (SGJD) offence classifications.

Whilst there is no classification for 'spiking' specifically, I have progressed your request in terms of the two most *potentially relevant* crime classifications as follows:

**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](http://www.legislation.gov.uk))

Recorded crime data for the period of 2021 and January/ February 2022 is provided below:

<b>Recorded crimes</b>	<b>2021</b>	<b>2022 ytd</b>
Administering a substance for sexual purposes	17	4
Drugging	336	71
<b>Total</b>	<b>353</b>	<b>75</b>

*All data is provisional and should be treated as management information only.  
All data have been extracted from Police Scotland internal systems.  
2022 data covers 1 January to 28 February 2022.  
Data are correct as at 22 March 2022.*

Unfortunately, I am unable to provide you with a further breakdown of this data in terms of the specific alleged MO - ie whether via injection - as it would be necessary to individually assess each crime report, note the details and then analyse the results.

Given the number of crime reports, it is estimated that this process would 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 an assessment of every crime report within cost, these crimes are incredibly recent and will be continually updated as investigations progress.

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

I appreciate that this differs from the response to *many* FOI requests answered around the turn of the year where some data was collated and provided.

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The volume of FOI requests received on this subject, at that point, all seeking different data/ different time periods etc, meant that we had conducted extensive analysis of crime reports covering the period up to around October last year.

That research process was, on reflection, both extremely time consuming but also subjective, bearing in mind that we do not-subcategorise crimes by MO etc beyond their SGJD classification.

FOI provides a right of access to *recorded information* and those FOIs were answered on the basis of a relevant crime report including *some* reference to a needle/ injection perhaps being involved.

If you would like a further *comment* from the business area as regards whether there have been any *identified cases of any spiking by injection in Scotland* in the last few months then you should request same from our [News Desk](#).

**ii) Updated data on the number of cases of spiking by injection in Scotland that have resulted in prosecution**

Prosecution data is not held by Police Scotland and section 17 of the Act - *information not held* - therefore applies. You may wish to contact COPFS.

**iii) An updated summary of the action taken by Police Scotland to investigate incidents of alleged spiking by injection since the previous response (REF: IM-FOI-2021-2444)**

All instances of alleged spiking are taken seriously and investigated robustly.

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.

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](mailto: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](mailto: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.

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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.