

Our Ref: IM-FOI-2022-0093
Date: 09 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.

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

In accordance with FOI laws, please providing the following information.

How many recorded police warnings have been issued for possession of Class A drugs, since the Lord Advocate's announcement on Sept 22 last year (ie, from Sept 23 inclusive to as close as present day as possible) please?

How many recorded police warnings have been issued for possession of Class B and C drugs, since Sept 22 last year (ie, from Sept 23 inclusive to as close as present day as possible) please?

How many incidents of possession of Class A drugs have been referred to COPFS since Sept 22 please?

Secondly, how many incidents of possession of Class A drugs were referred to COPFS in the 12 months leading up to Sept 22 please?

Please note this change came into effect on 28 September 2021, not 22 September 2021 as above.

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, we cannot provide the above requested information as to obtain this would take over 40 hours and an individual check of each crime report would be required.

If I was to use a conservative estimate that it would take 5 minutes to check each report, then calculations show that from 28 September 2021 to 31 December 2021 there were 1,349 Recorded Police Warnings. It would take approximately 112 hours, and would cost approximately £1,686 to carry out this task. This is in excess of the £600 prescribed by the Scottish Ministers under the Act.

How many recorded police warnings were issued for possession of Class B and C drugs were issued in the 12 months leading up to Sept 22 please?

Finally, can I double check that no incidents of possession of Class A drugs would have resulted in a recorded police warning, prior to Sept 22 please? That would be my understand, but would like to be clear.

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, we cannot provide the above requested information as to obtain this would take over 40 hours an individual check of each crime report would be required.

If I was to use a conservative estimate that it would take 5 minutes to check each report, then calculations show that from 28 September 2020 to 27 September 2021 there were 5,736 Recorded Police Warnings. It would take approximately 478 hours, and would cost approximately £7,170 to carry out this task. This is in excess of the £600 prescribed by the Scottish Ministers under the Act.

There are measures in place to ensure that Recorded Police Warnings are only issued for suitable offences. Prior to the change in the Lord Advocate guidelines on the 28th September 2021, anyone found to be in possession of a Class A drug was not suitable for a Recorded Police Warning therefore it would not have been issued.

Should you require any further assistance please contact Information Management – Glasgow at foi@glasgow.scotland.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.

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