

**OFFICIAL**

Our Ref: IM-FOI-2022-0445  
IM-FOI-2022-0446  
IM-FOI-2022-0447

Date: 21<sup>st</sup> March 2022



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

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

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 requests are replicated below together with the responses.

All three requests have been individually considered in terms of the Act and the individual reference numbers for each are included above.

This combined response is for administrative purposes only, a decision only which I trust you will understand in the circumstances.

**22-0445 - Please could you tell me how many complaints Police Scotland have received in each of the past three years from people claiming to have had their drinks spiked in bars and nightclubs.**

**22-0446 - Please could you tell me how many people have been charged with spiking people's drinks in bars and nightclubs in each of the past three years?**

**22-0447 - Please could you tell me how many people have been charged with spiking people by injection in each of the past three years?**

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I would first of all advise you that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department 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 2019 to 2021 is provided below:

Recorded crimes	2019	2020	2021	Total
Administering a substance for sexual purposes	23	16	18	57
Drugging	20	20	361	401
Total	43	36	379	458

*All data is provisional and should be treated as management information only.*

*All data have been extracted from Police Scotland internal systems.*

*2019 and 2020 data are correct as at 5 November 2021.*

*2021 data are correct as at 27 January 2022.*

Unfortunately, I am unable to provide you with a further breakdown of this data in terms of the specific MO - ie via drink or injection - or in terms of the locus type - ie bar or nightclub - 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 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.

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](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.

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.

