

**Equality and Human Rights Impact Assessment (EqHRIA)**

**Summary of Results**

### Policy/Practice Name:

# Drug Related Deaths – Investigatory Considerations National Guidance

### Owning Department:

Specialist Crime Division – National Intelligence Bureau

### Date EqHRIA Completed:

21/12/2022

### Purpose of Policy/Practice:

The purpose of this document is to provide officers with additional investigatory considerations and intelligence gathering opportunities when attending a Drug Related Death (DRD). These considerations are not present in an existing SOP or Guidance Document and have been collated into this National Guidance which will allow for continuous improvement in the investigation of DRD’s, with enhanced investigative considerations based upon organisational learning and an improvement in technology. This will assist in the identification of nominals who are responsible for the illicit production, distribution and supply of controlled drugs contributing to DRD’s in Scotland, and provide investigating officers a guide to exploit all potential lines of enquiry.

### Summary of Analysis / Decisions:

**What the assessment found, and actions already taken.**

There are no concerns to suggest this guidance will have anything other than a positive impact into the investigation of a Drug Related Death.

The assessment of the guidance document outlined how the following protected characteristics and human rights may be impacted:

**Protected Characteristics affected:**

* **Disability –** This is assessed to have a low impact, witnesses, next of kin (NOK) and families of a person who has passed away may have a disability and their needs will need to be considered prior to and during the investigation. Equality of opportunity will be achieved by using the services of Appropriate Adults, Interpreters or Translators. Advice should be sought from Partnerships, Prevention and Community Well Being (PPCW).
* **Race/Religion or Belief –** This is assessed to have a medium impact, the expectations of communities can vary dependent upon their race, nationality or religion. Lawful processes may make it difficult to meet cultural or religious demands. Good practice would be for discussions to be held with the NOK and/or representative to fully explain processes and mitigate any potential issue. Advice should be sought from PPCW if required.

**With regards to Human Rights, there may be occasions where the following are breached, however these are legitimate and on a legal basis:**

* **Article 5 Right to Liberty and Security –** Any suspect identified may be arrested under the terms of Section 1 of the Criminal Justice (Scotland) Act 2016 and be deprived of their liberty whilst the matter is fully investigated.
* **Article 8 Right to Respect for Private and Family Life –** Should an offender/suspect be identified search warrants may be executed by means of force to gain entry to a property to secure evidence/apprehend offenders.
* **Protocol 1, Article 1 Protection of Property –** Personal property recovered from the locus of the death and from the body of the deceased will be lodged as production.Should an offender/suspect be identified search warrants may be executed by means of force to gain entry to a property to secure evidence/apprehend offenders. Items of property may be removed or seized as evidence. All items seized as part of the investigation will be lodged as a production.

### Summary of Mitigation Actions:

**What the assessment found, and actions already taken.**

If your assessment identified any actions required to mitigate impact, provide details of what actions were identified and how these will be monitored or reviewed.

No mitigating action is required. The owning department will monitor changes in legislation / circumstances and will assess how these changes may impact on the protected characteristics.

The owning department will be responsible for the cyclical review of the National Guidance and the EqHIRA.