

Our Ref: IM-FOI-2022-0294  
Date: 23 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. May I request the following information under freedom of information legislation:**

**All correspondence (including emails, attachments, typed or handwritten notes, letters, notes/records of phone calls, minutes of meetings, briefings, WhatsApp messages or otherwise) between the Scottish Government and Police Scotland regarding the use of 'tolerance zones' where the police would agree not to make active patrols or use stop-and-frisk powers as recommended by the Drug Deaths Taskforce.**

**Please provide all correspondence between the 6 September 2021 and the present date.**

I can advise you that Police Scotland does not hold the information requested. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, searches including checks using the word search 'DDTF, tolerance zones and Safe Drug Consumption Facilities' have been carried out and no correspondence between Police Scotland and Scottish Government regarding tolerance zones have been found for the period requested.

By way of assistance, I can advise that a document titled 'feedback drug law reform report - summary of conclusions' was sent to the Scottish Government in August 2021 and the extract below relates to the information requested. Please note the information provided relates specifically to the policing of Safe Drug Consumption Facilities and does not represent Police Scotland's position on Tolerance Zones which is not a matter for policing.

### Tolerance Zones

- The need for a tolerance zone must be carefully balanced with the need for operational independence for police officers to respond to both concerns from members of the public and to any potential criminal offence they witness. Care must also be taken to ensure that police can continue to target dealers who may exploit any tolerance zone thereby placing people at increased risk. Normal patrols must be allowed to occur, however an individual's attendance at such a facility need not be viewed as grounds for*

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*a search as they may be attending for support etc and therefor any search would need to be intelligence and legislatively based.*

*The locating such a facility or zone needs to be in consultation with the local community who rightly would expect the same level of service from policing as any other community in Scotland. Location must also take into account demand in that area to ensure people who need the service do not need to travel distance to use this and run the risk of transport poverty becoming a barrier to accessing services.*

Should you require any further assistance concerning this matter please contact Information Management – Glasgow at [foiglasgow@scotland.police.uk](mailto:foiglasgow@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.police.uk](mailto:foi@scotland.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.