



## LETTER SENT BY E-MAIL ONLY

22 November 2022

2022-078R

### **Freedom of Information (Scotland) Act 2002**

#### **Request**

On 29 September you made the following Freedom of Information (FOI) request to the Scottish Police Authority (SPA).

Can you send me the spiking report mentioned on p.12 please?

<https://www.spa.police.uk/spa-media/n5tlqh1y/rep-b-20220920-item-4-committee-and-oversight-reports-v0-1.pdf>

On 25 October 2022, the Authority responded to your request advising that the information was exempt information in terms of Sections 34(1)(a) and 35(1)(a)(b) of the Freedom of Information (Scotland) Act 2002.

#### **Request for Review**

On 25 October 2022 you requested that the Authority review the response on the following grounds.

*In relation to the requested report the relevant passage on p.12 is:*

*"The Group were provided with a detailed overview of current management of drug spiking cases including the current mix of in-house or outsourced analysis"*

*It is not clear how disclosing this material would 'provide an insight into ongoing investigations, investigative strategy', as is claimed in the response.*

*For example if it turned out that (for the sake of argument) 50 per cent of cases were analysed in-house, how could this impact on investigations?*

*You say: "Being aware of details would allow persons to make a reasonable assessment of likely future detection or prosecution."*

*It is hard to see how an offender would look at stats showing that (eg) 50 per cent of cases are outsourced and conclude that they are therefore less likely to be detected. No one, presumably, is arguing that some cases simply aren't analysed?*

*If it is the case that some cases are not being analysed that should be disclosed in the public interest (as it has been in drug-driving cases, for example).*

*Equally if the report disclosed the volume of cases (also in the public interest) it is hard to see how this could impact on investigations, or allow people to make 'reasonable assessment of likely detection' (prosecution in any event would be a matter for the Crown Office).*

*Existing data suggests a relatively high number of spiking allegations. The fact that such data has been released previously reinforces the need to release this report – what makes it different from previous crime stats on alleged spiking?*

*In addition limited redaction if it were really needed should be considered but should be avoided if at all possible given the importance of the issue.*

Your request for review has been undertaken by an independent manager who was not involved in the original decision.

## **Response**

Having undertaken an independent assessment of your request for review, I have to advise that I consider the test for the Section 34(1)(a) exemption is not met in this case. Furthermore, I consider that the test for the Section 35(1)(a)(b) exemption cannot be applied to the entirety of the text and that the report should have been released subject to redaction.

Accordingly, I find that the Scottish Police Authority decision to withhold the report in its entirety was not correct.

In conclusion, your request for review has been partially upheld.

The report has been redacted where it is considered that the original exemption claimed under S35(1)(a)(b) remains valid and the public interest test applied for this exemption was also deemed to be valid, although some further clarity is provided for context.

The redactions relate to

- Drugs used for spiking, some of which are not readily found in a 'google' search and thus could provide criminals with information to assist them with committing such offences.
- Investigative techniques/methodology used in spiking cases. The provision of this information may assist criminals in terms of concealing evidence or, of greater concern, deter victims from reporting crimes of spiking.
- The location of the testing laboratories.

There is a significant body of evidence in terms of the reluctance of victims to report spiking and the disclosure of any information that may increase that fear cannot be in the public interest.

The nature of processing by certain laboratories in the UK remains classified due to the threat from criminals and extremist groups. SPA has previously been the victim of a petrol bomb attack by an accused subject who sought to eliminate all trace of their samples. As such SPA considers that the harm that could occur from the disclosure of the location of the laboratory outweighs the public right to receive this information.

A small amount of data in respect of one of the tables has been redacted. This information identified specific cases and as such is exempt data in terms of Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002. This is an absolute exemption and as such no public interest test is applied.

If you remain dissatisfied following the outcome of this 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 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 Scottish Police Authority Freedom of Information [Disclosure Log](#) in seven days' time.

SCOTTISH POLICE  
AUTHORITY

<b>Meeting</b>	<b>Forensic Toxicology Oversight Grp</b>
<b>Date</b>	<b>7 September 2022</b>
<b>Location</b>	<b>Via MS Teams</b>
<b>Title of Paper</b>	<b>Drug Spiking Casework Update</b>
<b>Item Number</b>	<b>4</b>
<b>Presented By</b>	<b>Alastair Patience, Head of Function</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

To provide members with a detailed update on spiking cases being received by Forensic Services including volumes, types of drugs being identified through analysis along with the time and process involved.

The paper is submitted for information.

**NOTE:** This paper is based on the paper submitted for the private session of the Forensic Services Committee on 8<sup>th</sup> August 2022, in response to an Action raised at the April Meeting.

## **1. BACKGROUND**

- 1.1 This report is to update members on spiking cases being received by Forensic Services including volumes, types of drugs being identified through analysis along with the time and process involved.
- 1.2 Reports of spiking are not new and are reported as typically increasing slightly during the months of September/October. This coincides with University and Colleges commencing their first term and, in particular, Fresher's Week. Incidents of suspected spiking are recorded as either drugging or administering a substance for sexual purposes and until recently, have involved the spiking of drinks only.
- 1.3 In October 2021, following reports in the media and social media of spiking by injection, public concern understandably increased. This resulted in an increase in reporting to police services across the UK, including Police Scotland.
- 1.4 Given the increased public concern, Police Scotland implemented a Gold Command structure led by an Assistant Chief Constable under the name Operation PRECEPT. The purpose of this was to effectively co-ordinate activity across Scotland, engage with strategic partners and to contribute to the National Police Chiefs' Council's (NPCC) Gold Command structure and response, from a Scottish perspective.
- 1.5 Forensic Services assists Police Scotland by analysing submissions from these spiking cases, in line with their investigative strategy, taking cognisance of the finite capacity within Toxicology. In order to deal with the large volume of cases reported and anticipated reporting following media broadcasting, it was necessary to ensure a process was in place to prioritise the submission of samples. As such, there is an agreement that cases will be prioritised according to the assigned operational category (Category 1 – Category 4), with Category 1 being the highest priority. Appendix 1 details the case priorities.

## **2. FURTHER DETAIL ON THE REPORT TOPIC**

- 2.1 Forensic Services has received 39 cases (predominantly Category 1 cases) for analysis and reporting since October 2021 (figure correct, as of 25/08/2022).

2.2 Analysis within Forensic Services confirmed a number of prescribed, illicit and what could be described as recreational drugs contained within samples. Our analysis information is passed back to Police Scotland, as analysis progresses, who then have the complex task of understanding the context.

2.3 Analysis of these cases has, to date, confirmed the following types of substances:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

2.4 For those drugs above marked\*, the reported effects include sedation, dizziness or drowsiness. However, the situation is complex as many of these drugs have legitimate medicinal uses, so further investigation by Police Scotland is key to understanding the prevailing circumstances.

2.5 The timescale for completion of analysis is typically 4 to 6 months, but is dependent on the requirement of the case. The timescale for completion of these cases has increased in the last couple of months, due to the critical situation with statutory timescale in drug driving cases, but this is being addressed.

2.6 The process involves storage, extraction of the sample and then a range of instrumental analysis activities which could, potentially, involve a number of 'screens' (e.g. alcohol, psychoactive substances, prescription drugs & GHB), depending on the requirements of the case.

- 2.7 In addition, Forensic Services has facilitated implementation of a contract for outsourcing of Category 2 cases [REDACTED]. This contract is live, and, to date, 93 Category 2 cases have been outsourced (funded by Police Scotland) [REDACTED], with the results of c.81 cases having been returned to Police Scotland (correct as 29/08/2022)
- 2.8 Dialogue with Police Scotland is ongoing about the requirement to analyse and outsource Category 3 and Category 4 samples (of which there are believed to be c.250). Police Scotland has agreed to fund the outsourcing of these cases and Forensic Services will facilitate the implementation of the contract.

### **RECOMMENDATIONS**

Members are requested to discuss the report provided.

**APPENDIX 1 – Priorities associated with Drug Spiking Cases**

[REDACTED]

[REDACTED]

[REDACTED]

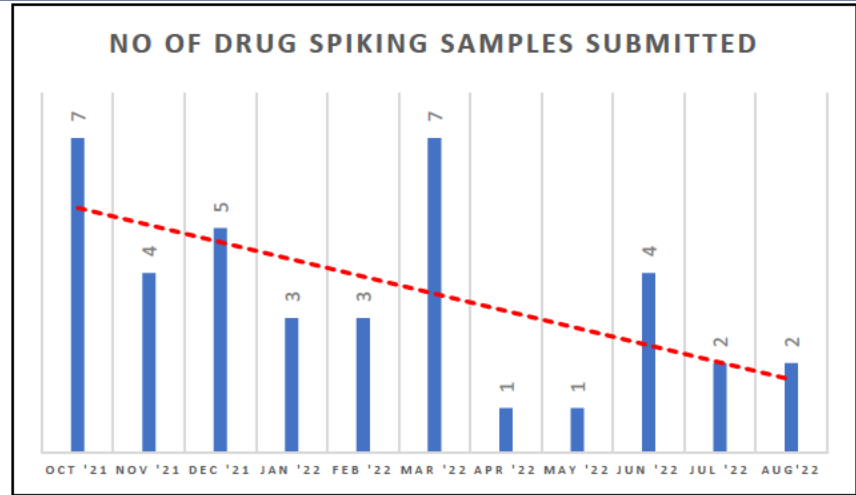
[REDACTED]



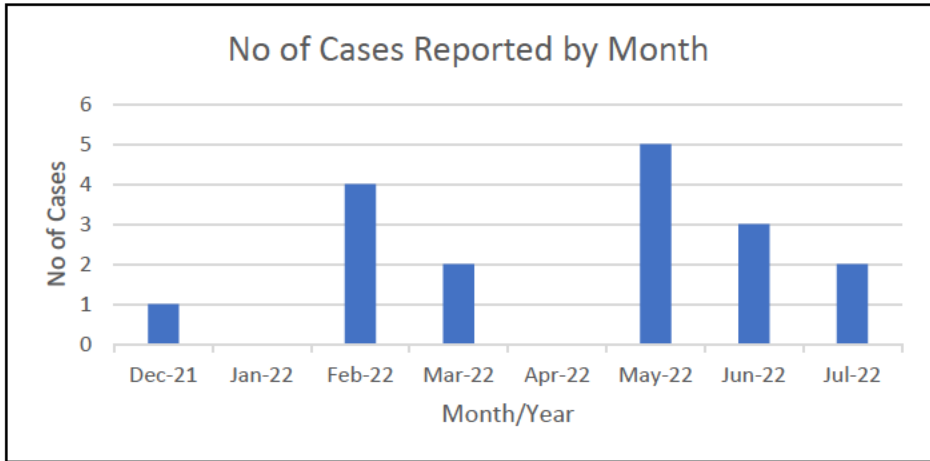
### Executive Summary

- 39 drug spiking cases (predominantly Category 1) have been submitted by Police Scotland for analysis since Oct '21.
- Of these 39 cases, 17 have been reported, and regular updates on progress are provided to investigators in relation to every case being processed.
- A maximum of 7 cases have been submitted during a month, but generally speaking the number of cases being submitted is reducing.
- A bi-weekly formal update on progress of each case is provided to ACC Major Crime and Public Protection, DCS Local Policing and SIO.
- The average time to complete analysis is 148 days (range = 50 to 250 days), although some unreported cases will be longer.
- 93 samples (Category 2) have been outsourced [REDACTED] since 07/06/2022 for intelligence screening analysis. This outsourcing is being funded by Police Scotland and was facilitated by Forensic Services. To 29/08/2022, the result of 81 of these samples have been reported.
- Police Scotland has agreed to fund outsourcing of Category 3 and Category 4 samples, and Forensic Services will facilitate the contract implementation.

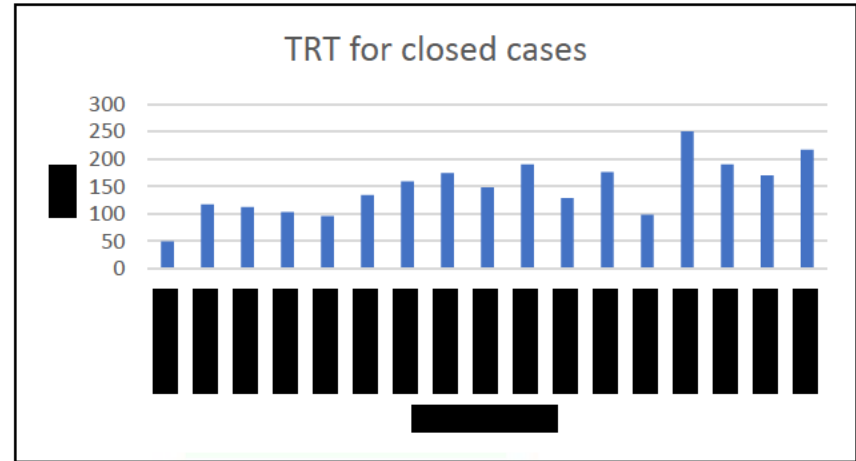
### Demand



### Timeliness



### Timeliness



### Scottish Government Round Table Discussions

- Spiking is the term used to describe the act of introducing alcohol and / or drugs to another person's system without their knowledge or consent. In October 2021, following reports in the media and on social media of spiking by injection, public concern increased understandably. This resulted in an increase in reporting to police services across the UK, including Police Scotland. This heightened anxiety followed from, and built upon, the recognised concerns in relation to violence against women and girls (VAWG).
- Three roundtable events held (with FS attendance and participation), to date:
  - 4<sup>th</sup> November 2021
  - 8<sup>th</sup> December 2021
  - 29<sup>th</sup> June 2022
- Further Round Table discussion planned for 8<sup>th</sup> September.
- A more detailed Briefing Note has been prepared for the Forensic Toxicology Oversight Group by Amanda Coulthard.

### Triage and categorisation of cases

[Redacted content]

### Drugs identified

[Redacted content]

For those drugs above marked\*, the reported effects include sedation, dizziness or drowsiness. However, the situation is complex as many of these drugs have legitimate medicinal uses, so further investigation by Police Scotland is key to understanding the prevailing circumstances.

### Outsourcing update & strategy

[Redacted content]

An outsourcing contract was set up by Forensic Services for outsourcing of Category 2 cases (the outsourcing is being funded by Police Scotland).

93 cases were transferred [redacted] from 07/06/2022 for intelligence screening (this national service was set up as part of the Op TALLA approach to Drug Spiking).

To 29/08/2022, the result of 81 of these samples have been reported.

[Redacted content]

Police Scotland has agreed to fund outsourcing of Category 3 and Category 4 samples, and Forensic Services will facilitate the contract implementation.

**Future strategy**  
Forensic Services aims to be able to service the customer demand for drug spiking cases in-house in the future, with the potential to increase outsourcing of drug driving cases to compensate.

The overall strategy will be dependent on the agreement over the long-term, sustainable, model for drug driving.