



## LETTER SENT BY E-MAIL ONLY

4 December 2024

Ref 2024/25-078

### Freedom of Information (Scotland) Act 2002

#### Request

Please find below our response to your correspondence dated 11 November 2024, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

“Due to your apparent ignorance of the effects of Dihydrocodeine on heroin addicts I’ve sent you a copy of my petition to the Scottish Parliament:

[PE1900 Access to prescribed medication for detainees in police custody | Scottish Parliament Website](#)

Please note Angela Constance MSP stated that the forcing of Dihydrocodeine onto none consenting detainees was discriminatory and stated it was Police custody staff, who administered this dangerous drug.

Dr Carole Hunter, who Stated to the committee that Dihydrocodeine should only be given to heroin addicts in exceptional circumstances, and only by a specialist drug clinician.

When asked, how a detainee should be treated if given Dihydrocodeine, she stated a specialist clinician would have to monitor and titrate the detainees. What drug treatment training do your Police custody staff receive.

What training do you require Police Scotland to give its custody staff in the European Union Human Rights Act.

The Ministers and myself, would especially be interested in Article 3 and 14. I would like a prompt accurate reply, as am sure the Ministers are.”

## Response

The Scottish Police Authority has considered your request and can confirm that the Authority does not hold the information requested.<sup>1</sup>

The Authority's role in the oversight and scrutiny of policing and Police Scotland's operational independence is outlined in the [Police and Fire Reform \(Scotland\) Act 2012](#)

Information on training for officers and staff working in police custody facilities may be available by contacting Police Scotland at [foi@scotland.police.uk](mailto:foi@scotland.police.uk)

As outlined in our previous response, medical provision for persons in police custody is undertaken by the National Health Service. As such, information on the administration of Dihydrocodeine within police custody may be available by contacting NHS territorial boards and the National Police Care Network at [nss.policecare@nhs.scot](mailto:nss.policecare@nhs.scot)

To assist, the Authority can point to the following oversight and assurance:

The Authority has responsibility for the [Independent Custody Visiting Scheme](#) which ensures that the dignity and human rights of any individual in custody are respected and upheld. This supports the Authority to maintain and improve policing in Scotland by providing assurance and identifying areas of improvement. The [ICVS Annual Report for 2023-24](#) is available on our website. Findings in relation to medical provision are on page 29-30.

The Authority sought assurance in relation to recommendations on drug treatment in custody at a meeting of the Audit, Risk and Assurance Committee on 16 September 2021. See extract below from the report 'Police Scotland Audit and Improvement Recommendations Tracker – Q2 (to end of August 2021)'.

### **"Recommendation 7-18:**

The CPT recommends that the Scottish authorities ensure that Police Scotland and the NHS take measures to standardise the approach to methadone maintenance and detoxification treatment in police custody. The CPT would appreciate information as to whether the type of DHC used in police custody is short-acting DHC, or long-acting DHC.

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<sup>1</sup> This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

### **Current Status:**

NHS OWNERSHIP (Update provided by the National Police Care Network (NPCN):

13 out of 14 NHS Boards have a standardised approach to methadone maintenance in police custody. The one NHS Board which doesn't is currently looking at ways on how this could be incorporated. Methods differ with regard to how DHC is used, with some NHS Boards using long acting (DHC 60MR) and others using short acting DHC according to local Standard Operating Procedures."

The purpose of the update was to provide Members with an update in relation to the National Preventative Mechanism (NPM) report which was provided as an Appendix<sup>2</sup>. The NPM report was an assessment of the implementation of recommendations made by the European Committee for the Prevention of Torture (CPT). The use of Dihydrocodeine in Police Custody is referenced on pages 29–31. The response and assessment make clear that healthcare services in custody are provided by NHS Scotland.

The Authority sought assurance in relation to training for staff at a meeting of the Policing Performance Committee on 8 June 2021. See extract below from the report 'Police Scotland Custody update (including Children in Custody & CPT)'.<sup>3</sup>

### **"2. Further Detail on the Report Topic - Progress against CPT Recommendations identified within 2019 report.**

**2.1** The CPT recommends that police officers be regularly reminded of these basic principles, (all injuries on newly arrived detained persons to police custody should be properly recorded and investigated; no more force than is strictly necessary should be used when effecting an arrest; once arrested persons have been brought under control, there can be no justification for their being struck by police officers) including through practical training exercises.

**Update:** Every training course provided by CJSD Divisional Training Department is delivered according to ECHR obligations and Police Scotland's Code of Ethics are constantly referred to and highlighted throughout. A specific Module of the Custody Officer Induction course covers the Criminal Justice (Scotland) Act 2016 and how it complies fully with ECHR article rights. Another Module of the Induction course covers Adverse Incidents and Recording Mechanisms. This includes the topic of

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<sup>2</sup> [Scotland's progress in the prevention of ill-treatment in place of detention - August 2021](#)

<sup>3</sup> The report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was provided as Appendix A to this report and is available at <https://rm.coe.int/1680982a3e>

injuries to prisoners and staff, accident reporting and referrals to and the role of the Police Investigations and Review Commissioner (PIRC). On all CJSD Training courses, Trainers make it abundantly clear that Care and Welfare of those detained in police custody is the highest priority and ensure all staff are fully aware of their primary obligations (as per guidance illustrated in the Care and Welfare of Persons in Police Custody Standard Operating Procedure - CWSOP). Police Officers receive annual Officer Safety Training refresher courses.”

Police Scotland may hold more recent information regarding the recommendations outlined in this response.

### **Right to Review**

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email to [foi@spa.police.uk](mailto:foi@spa.police.uk) or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to [enquiries@foi.scot](mailto:enquiries@foi.scot) or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

**SPA Corporate Management**