| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-3056  Responded to: xx December 2023 |
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Your recent request for information is replicated below, together with our response.

## Please provide me with the letter written by CC Iain Livingstone, sent to Crown Agent John Logue on 5/12/22, about the proposal for a safe drugs consumption facility in Glasgow.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

* Section 30(b)(i)&(ii) and (c) - Effective conduct of public affairs
* Section 35(1)(a)&(b) - Law Enforcement
* Section 36(1) - Confidentiality of Communications
* Section 38(1)(b) - Personal Data

I appreciate that this response will be disappointing, but I would stress that your request relates to what is still very much an ongoing situation.

As you will no doubt be aware, just a few months ago, Lord Advocate Dorothy Bain KC stated she would be prepared to publish a prosecution policy that it would not be in the public interest to prosecute drug users for simple possession offences committed within a pilot safer drugs consumption facility.

She also stressed that it would be essential to ensure that Police Scotland retain the operational ability to effectively police any facility and ensure that the wider community, those operating the site and those using the facility can be kept safe.

Clearly the dialogue between Police Scotland and COPFS thus far on this matter relates to a number of policy and procedural issues yet to be resolved, as proposals are taken forward in the coming months.

The content of those discussions will ultimately formulate policy and procedure that will be used to strike the balance between effectively policing the locus of any facility with appropriate cognisance as to the Lord Advocate’s eventual prosecution policy.

At this stage in those discussions, whilst I accept that this is a matter of significant public concern and interest, there can be no public interest in jeopardising the free and frank discussions that will have to take place in coming months between both agencies.

It is essential that when formulating what will be unprecedented policy, both agencies can be reassured that those deliberations will remain private, for at least the time until final decisions are made.

Furthermore, it cannot be in the public interest to disclose the content of discussions as to the practical considerations around the policing of any facility, where to do so could provide an operational insight into any eventual strategy - information of significant intelligence value to would be offenders looking to evade justice.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.