



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

2 Clyde Gateway
French Street
Glasgow
G40 4EH

LETTER SENT BY EMAIL ONLY

27 June 2025

FOI Ref 2025/26-026

Request

Your request for information dated 3 June 2025 is copied below.

Under the Freedom of Information Act, I request the Scottish Police Authority to respond to the following questions:

Does the Scottish Police Authority (SPA) have a duty to uphold human rights, particularly within Police Scotland and the wider public sector.

Does the SPA not have a responsibility to eliminate discrimination, promote equality and above all, to monitor and stop torture, inhumane or degrading treatment of detainees in police custody in Scotland.

What has the SPA done to stop discriminatory treatment of detainees, not my words but those of Angela Constance MSP then Minister for Drugs and Alcohol Policy. She used those words, whilst speaking to the Citizens Participation and Public Petition Committee.

PE1900 Access to prescribed medication for detainees in police custody | Scottish Parliament Website

<https://www.parliament.scot/get-involved/petitions/view-petitions/pe1900-access-to-prescribed-medication-for-detainees-in-police-custody>

This statement was made by her, when she was speaking about Police Scotland handing Dihydrocodeine to detained heroin addicts, instead of their prescribed medication (Methadone), other medications were also refused.

Dihydrocodeine is unlicensed and was not always prescribed by doctors, but was also remotely prescribed by phone, and dispensed by custody staff. Since 2007 it has not been approved for the treatment of heroin addiction.

The dangers of Dihydrocodeine was explained to the committee by Dr Carole Hunter:

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"Dr Carole Hunter, BSc, BA, MSc, DASR, MRPharmS, is the Lead Pharmacist, Addiction Services, NHS Greater Glasgow and Clyde. Carole's pharmacy degree was obtained at Robert Gordon's in Aberdeen in 1978. She has extensive experience in community pharmacy in Scotland and England and owned her own pharmacy for 10 years in the 1990s. During that time she established one of the area's first pharmacy needle exchanges. In 2003 she succeeded Kay Roberts as Area Pharmacy Specialist in Drug Misuse for NHS Greater Glasgow. Since 1990 she has been a Doping Control Officer with the UK Antidoping programme and has been a member of the drug testing teams at the Commonwealth Games in Manchester 2002, the Winter Olympics in Vancouver in 2010 and the recent London Olympics. In Dec 2009 she was appointed to the Scottish Government's Drug Strategy Delivery Commission. She is a member of the national Drug Death Forum and currently chairs the national naloxone advisory group and the Scottish Specialist Pharmacists in Substance Misuse group."

Dihydrocodeine, she explained should never be given to heroin addicts except in exceptional circumstances, and then only after an examination by a specialist and with constant observation. Both the SPA and Police Scotland know this, yet custody staff still hand out Dihydrocodeine to detainees.

In Grampian especially Elgin, custody staff store Dihydrocodeine on behalf of NHS Grampian (NHS Grampian stop giving it to addicts in other places in March 2024). This despite Police Scotland knowing that there is not a controlled drugs license in place in their custody suites.

If Police Scotland had, had a Controlled Drugs Liaison Officer (CDLO) in place, which I believe is a statutory requirement, then how many drugs death would have been avoided.

Response

The Scottish Police Authority has considered your request under the Freedom of Information (Scotland) Act (FOISA).

FOISA allows members of the public to seek access to recorded information already held by Scottish public authorities.

In terms of the question "Does the Scottish Police Authority (SPA) have a duty to uphold human rights, particularly within Police Scotland and the wider public sector."

The Authority considers that this information can reasonably be obtained.¹

¹ This represents a notice in terms of Section 25 of the Freedom of Information (Scotland) Act 2002 - where information is already available, there is no need to provide an alternative right of access to it through FOISA.

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To assist, we can advise that the [Human Rights Act 1998](#) gives further effect to rights and freedoms guaranteed under the European Convention on Human Rights. Under section 6(1) of the Act it is unlawful for the Scottish Police Authority, as a public authority, to act incompatibly with Convention rights. Furthermore, under section 94(1) of the [Police and Fire Reform \(Scotland\) Act 2012](#) the Authority makes arrangements for independent custody visitors to visit police detainees and monitor their treatment. This is in pursuance of the [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(OPCAT\)](#), an international human rights treaty designed to strengthen the protection of people deprived of their liberty. Under section 95(1) of the Act the Authority must make arrangements for the the UN Subcommittee on Prevention (SPT) to do the same. Information about [Independent Custody Visiting in Scotland](#) is available on our website and reporting is presented to the Authority's Policing Performance Committee.

The [ICVS Annual Report for 2023-24](#) explains the activities of independent custody visiting volunteers. Custody visitors check on the treatment of detainees across Police Scotland's custody estate to ensure their welfare and human rights are being met which is consistent international standards. This was presented at the Authority's Policing Performance Committee on 11 June 2024.²

In terms of the question, "Does the SPA not have a responsibility to eliminate discrimination, promote equality and above all, to monitor and stop torture, inhumane or degrading treatment of detainees in police custody in Scotland."

The Authority considers that this information can reasonably be obtained.³

Under sections 149-157 of the Equality Act 2010 the Authority is subject to the Public Sector Equality Duty (PSED). This requires that public authorities must have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations in the exercise of their functions.

Information and reporting on the Authority's equality activities is available on our website.⁴

² [Policing Performance Committee - 11 June 2024 | Scottish Police Authority](#)

³ This represents a notice in terms of Section 25 of the Freedom of Information (Scotland) Act 2002 - where information is already available, there is no need to provide an alternative right of access to it through FOISA.

⁴ [Equality and Diversity Reports | Scottish Police Authority](#)

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In terms of the question, "What has the SPA done to stop discriminatory treatment of detainees"

The Authority considers that this information can reasonably be obtained.⁵

As referenced above, information about [Independent Custody Visiting in Scotland](#) is available on our website and reporting is presented to the Authority's Policing Performance Committee.⁶

In terms of your question "If Police Scotland had, had a Controlled Drugs Liaison Officer (CDLO) in place, which I believe is a statutory requirement, then how many drugs death would have been avoided."

The Authority does not hold the information requested.⁷ However, we would point to our recent response to you, reference FOI 2025/26-024.

We would also refer to our previous response to you [FOI 2025/26-078](#) in December 2024 which signposted assurance activity undertaken by the Authority in relation to recommendations on drug treatment in custody.

Further, we would also refer to our previous response to you [FOI 2025/26-075](#) in November 2024 which explained "Medical treatment and provision, including the administration of medicine, for persons in police custody is the responsibility of National Health Service (NHS). If you require any specific information relating to the provision of medication to persons in police custody, we recommend you contact the NHS territorial boards for any instructions or guidance."

If you are dissatisfied with action or lack of action by Police Scotland, or about the standard of service provided by them you can make a complaint. Information on [how to make a complaint](#) is available on Police Scotland's website.

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 or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

⁵ This represents a notice in terms of Section 25 of the Freedom of Information (Scotland) Act 2002 - where information is already available, there is no need to provide an alternative right of access to it through FOISA.

⁶ [Policing Performance Committee Meetings | Scottish Police Authority](#)

⁷ This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

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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 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

Scottish Police Authority

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