



<b>Meeting</b>	<b>Policing Performance Committee</b>
<b>Date</b>	<b>6 December 2023</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Scottish Policing Approach to Safer Drug Consumption Facilities</b>
<b>Presented By</b>	<b>ACC David Duncan</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

The purpose of this paper is to provide an update on Police Scotland’s approach and partnership working regarding Safer Drugs Consumption Facilities. This details, policing guidance, demand seen internationally with similar initiatives, and the ongoing partnership working.

Members are invited to discuss the contents of this paper.

## 1. BACKGROUND

- 1.1 In 2015, following an outbreak of HIV within Glasgow city centre, the 'Taking Away the Chaos' report was published, which undertook a public health needs assessment of people who use drugs in public places. A recommendation of the report was *'to introduce and evaluate a pilot safer injection facility in the city centre, to address the unacceptable burden of health and social harms caused by public injecting'*.
- 1.2 Safer drug consumption facilities (SDCFs) are supervised and controlled healthcare settings where people can consume their own drugs, obtained elsewhere, under the supervision of trained health professionals, in clean, hygienic and safe environments reducing the risk of overdose and infectious diseases, whilst offering support and access to healthcare and social care services.
- 1.3 In 2017, Glasgow City Integrated Joint Board (IJB) approved the implementation of an SDCF. However, the initial proposal could not be progressed due to legal barriers.
- 1.4 In May 2022, MSP Paul Sweeney lodged a draft proposal from an introductory Members Bill to the Scottish Parliament. The proposal for the Bill:- *'enable the establishment of overdose prevention centres (OPC's), including establishing a licensing framework for centres, in order to prevent death due to drug overdose: and to create a new body for the oversight of drug policy development and implementation in order to improve health by preventing and reducing drug use, harm and related death'*.
- 1.5 The Members Bill highlighted that it would impact on the following legislation:
- Misuse of Drugs Act 1971(MDA)
  - Medicines Act 1968
  - Psychoactive Substance Act 2016
  - Scottish Drugs Deaths Taskforce (Changing Lives Report)
- 1.6 The MDA 1971 is a reserved matter for the UK Government and there is no indication that there are any plans to review the legislation.
- 1.7 The Members Bill stated that Section 4, Section 8 and Section 9A of the MDA 1971 would not be breached, as no drugs are being produced or supplied, or articles for administering drugs are being supplied.

- 1.8 The Greater Glasgow Health and Social Care Partnership (GGHSCP) were invited by the Scottish Government (SG) to submit a new proposal that could be delivered through current legislation and without the need for primary legislation changes, in particular to the MDA 1971.
- 1.9 Following the invite from the SG, the GGHSCP in conjunction with NHS Greater Glasgow and Clyde, established an SDCF Strategic and Tactical working groups chaired by Associated Medical Director Dr Saket Priyadarshi.
- 1.10 It was acknowledged within the working groups that without a change to the Section 5 (2) MDA 1971 legislation (Possession of drugs), that a statement of prosecution policy or guidance would be required from the Lord Advocate to allow for the implementation and delivery of an SDCF.
- 1.11 On 11 September 2023, the Lord Advocate issued a statement presenting that were a facility to open as a pilot in Glasgow, they would be prepared to publish a statement of prosecution policy to the effect that it would not be in the public interest to prosecute users of the facility in terms of Section 5 (2) of the MDA 1971 for simple possession offences committed within the confines of the facility.
- 1.12 The Lord Advocate was clear in her statement that the statement of prosecution policy did not amount to a 'tolerance zone' and was specific to Section 5 (2) of MDA 1971.
- 1.13 The Lord Advocate has not provided any additional comment or guidance.
- 1.14 The release of a statement of prosecution policy by the Lord Advocate enabled GGHSCP in conjunction with NHS Greater Glasgow to submit a report to the IJB seeking approval for the progression of the facility.
- 1.15 On Wednesday 27 September 2023, the IJB approved the implementation of the SDCF and the proposed location was placed in the public domain (Hunter Street, Glasgow). This provided the go ahead for the proposers to start the preparation and build phase of the SDCF. Due to financial and building approval constraints the start of this may not be realised until April 2024, with a predicted turnaround date of 6 months.

- 1.16 The SDCF working groups have established a Communication and Engagement group. The engagement with the local community has commenced.

## **2. POLICING IMPLICATIONS**

- 2.1 Police Scotland are working in partnership with the proposers by attending the Strategic, Tactical, Communication and Engagement working groups, with national and local representation.
- 2.2 Draft Policy and Guidance for the Policing of an SDCF has been developed, which was approved via the LPMB. These documents are currently with Policy Support for progression prior to any establishment of an SDCF.
- 2.3 Police Scotland continue to engage with Crown Office as to further guidance regarding the implementation of the Lord Advocates proposed statement of prosecution policy. Specific timescales as to when further guidance may be received is not yet known.
- 2.4 A Police Scotland short life working group has been established and first met on 2 November 2023. This monthly meeting will focus on the practical considerations of the SDCF establishment, the Lord Advocate proposed statement of prosecution policy and Lord Advocate guidance, provide support, advice and guidance to officers and seek to evaluate the impact of the facility on policing demand, existing public health provisions and community confidence/impacts.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications in this report.

## **4. PERSONNEL IMPLICATIONS**

- 4.1 There are no personnel implications in this report.

## **5. LEGAL IMPLICATIONS**

- 5.1 Work has commenced to review the Lord Advocate's extended statement of prosecution policy and draft Lord Advocate guideline so establish if there are any legal implications which will impact on Police Scotland.
- 5.2 This review will be part of the work undertaken by the SLWG.

## 6. REPUTATIONAL IMPLICATIONS

- 6.1 There are potential reputational implications in this report.
- 6.2 There is significant media interest with regards to the introduction of an SDCF in Scotland, from across the UK. There has already been a number of enquires as to '*what the policing response will be*' and '*how the facility will be policed*' from the proposers, potential service users, MSP and members of the community.
- 6.3 Public engagement is a fundamental aspect of the delivery plan. Glasgow City HSCP Officers are developing an engagement plan, detailing activity to date and planned public and stakeholder engagement activity over the coming months. Whilst Police Scotland do not have a lead role there is a clear benefit and commitment to working collaboratively with partners in support of engagement activity.
- 6.4 Police Scotland will be under scrutiny as to its policing response to incidents within and the impact of crime and incidents in the surrounding area.
- 6.5 Police Scotland response and media reporting will impact its relationship with the local community and public confidence.

## 7. SOCIAL IMPLICATIONS

- 7.1 There are no social implications in this report.

## 8. COMMUNITY IMPACT

- 8.1 There are community implications in this report.
- 8.2 Academic research suggests that the SDCF will help reduce the health and social consequences of public injecting in public spaces.
- 8.3 The SDCF proposers have begun a series of engagement with local business, community councillors and public meetings to raise awareness and address any concerns.
- 8.4 Police have not attended any public engagement events at this time.
- 8.5 Lived experience from North Richmond Police, South Wales Australia found that there was an exponential increase in drug activity, associated crime and it created a detriment to the amenity.

8.6 Significant engagement was required with the local community council, police and department of health to focus on the safety and amenity issues and these are still being addressed 4 years from the introduction of the facility.

8.7 There are 11 countries in Europe which has safe injection sites, including Sweden, Denmark, Germany. With USA, Canada and Australia also having sites. There is mixed media messaging in relation to the impact of the facility.

## **9. EQUALITIES IMPLICATIONS**

9.1 There are no equality implications in this report.

## **10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

## **RECOMMENDATIONS**

Members are invited to discuss the contents of this paper.