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Audrey Nicoll MSP  
Convener of the Criminal Justice Committee  
Scottish Parliament  
Edinburgh EH99 1SP

Sent by email: [justicecommittee@parliament.scot](mailto:justicecommittee@parliament.scot)

01 April 2022

Dear Convener,

Thank you for your letter dated 10 March 2022.

The Criminal Justice Committee have asked if the Crown Office and Procurator Fiscal Service agrees with the recommendation from the independent evaluation on the Police Service of Scotland's naloxone pilot that:

"Consideration should be given to issuing a written statement by Police Scotland, the Crown Office and PIRC with unambiguous information about any legal liability officers might (or might not) assume should they administer naloxone. For example, this could be a general statement on first aid and liability, since naloxone carries the same liability as first aid interventions such as giving CPR, i.e., if performed in good faith and in accordance with training, no claim will be investigated by PIRC or the Crown Office".

With respect to the authors of the report I do not agree with this recommendation as I do not consider that such a statement is necessary.



It is for the Police Service of Scotland through training and policies to provide comfort and confidence to officers in relation to their legal liability whether that is in relation to naloxone or the provision of CPR

I do not understand that the Police Service of Scotland intend to approach the Crown Office and Procurator Fiscal Service in relation to this recommendation either in relation to naloxone or a broader statement in relation to the provision of first aid in general.

Yours sincerely

**THE RIGHT HONOURABLE DOROTHY BAIN QC  
LORD ADVOCATE**