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8<sup>th</sup> January 2025

Dear Conveners,

**Safer drug consumption facility Glasgow – statement of prosecution policy**

I am writing to update you on my consideration of a statement of prosecution policy in relation to the proposed pilot of a safer drug consumption facility in Glasgow. I understand that it is proposed that such a facility will open on 13 January 2025.

Members will be aware that I was previously asked whether, if a safer drug consumption room (of the type described in the documentation I have been provided with) were to be established, as Lord Advocate I would consider making a public statement of prosecution policy to the effect that it would not be in the public interest to prosecute individuals using the facility for possession of controlled substances within the confines of the facility.

Further to my letters of 11 September 2023 and 27 October 2023 to the Committee, I now enclose a statement of prosecution policy relating to that facility to that effect, for the duration of its pilot.



I understand that there will be an evaluation of the pilot of the facility and its effects. I look forward to hearing the results of that evaluation in due course.

Yours sincerely,

*Dorothy R. Bain.*

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

## **Statement of Prosecution Policy**

A Supervised Drug Consumption Facility is a professionally supervised healthcare facility where a person can consume a drug in safer conditions than might otherwise be the case.

Following extensive multi-agency work, and in response to specific public health concerns, a pilot Supervised Drug Consumption Facility (the "Facility") is to be established by the Glasgow City Joint Integrated Board. It will operate from premises at the existing Health and Social Care Centre at Hunter Street, Glasgow.

The Facility will be co-located with other services providing a range of support services, including a drug checking facility.

For the avoidance of doubt, references to "Facility" within this statement of prosecution policy mean the footprint of the drugs consumption wing of the premises only. The remainder of the premises, surrounding areas and co-located services, including the drug checking facility, are not included.

Following careful consideration, the Lord Advocate has confirmed that she considers that it would not be in the public interest to prosecute an individual attending the Facility for an offence in terms of section 5(2) of the Misuse of Drugs Act 1971, subject to the limitations below.

This statement of prosecution policy only applies where the controlled substance is intended for personal consumption. Offences involving supply of controlled substances are not covered by this policy.

Further, the statement of prosecution policy only applies to cases where the controlled substance is recovered within the Facility.

Any offence detected outside the Facility will be dealt with in the normal course, as will all other instances of suspected criminality arising within the Facility. Where an offence is reported to the Procurator Fiscal, prosecutors will consider what action if any is in the public interest, in accordance with the Prosecution Code.

This statement applies only to this Facility and only for the duration of the pilot.