

## **FOI Request – 202300338295**

Hello.

*Have Scottish Government ministers had any correspondence with members of the CDPRG (Conservative Drug Policy Reform Group) or any other pro cannabis campaign or lobby group?*

*My request, while general, clearly falls within scope as I am merely seeking a yes or no answer. If a timescale is absolutely essential then since January 1 2022 to present day.*

*If you require further narrowing, then restrict my request to ministers holding business or enterprise within their portfolios or the First Minister.*

*Many thanks,  
Colin*

### **FOI Response:**

*Please find below email correspondence between Scottish Government and Pro Cannabis Campaigns from 1 January 2022 – January 2023.*

**From:** Anna Ross [REDACTED UNDER S.38]

**Sent:** 26 January 2022 15:05

**To:** [REDACTED UNDER S.38] Iain Livingston

**Cc:** [REDACTED UNDER S.38] McNeill P (Pauline) MSP, Mackay R (Rona) MSP, Constance A (Angela) MSP, Yousaf H (Humza) MSP, Alison Strath, Gregor Smith

**Subject:** Policing of Medicinal Cannabis

Dear Colleagues,

Some of you I have met, others not. I act as a mediator between cannabis patients and institutions responsible for managing cannabis policy. Myself and others have been instrumental in setting up the Scottish Government Cross Party on Medicinal Cannabis, and I have Cc'd the Co-conveners Pauline McNeil and Rona McKay. I am emailing you about the recent media coverage of a man denied his legally prescribed cannabis medicine by police officers in Shetland.

This has been brought to our attention by the Patient Advocacy group PLEA, who represent medicinal cannabis patients, and this is not an isolated incident in regards the policing of cannabis patients.

We understand that your police officers intercepted a legally prescribed medical cannabis product on the basis that it has been posted via the Royal Mail, and not registered delivery. Furthermore, when the patient attempted to retrieve that medicine he was told he would not get it, and that he would potentially be charged with possession. Two major issues with this case:

1. It is legal to prescribe cannabis based medicines (and send via the post), and the patient had a legal right to have these medicines - deprivation of the medicine has resulted in his condition worsening, and this is human rights and access to medicines issue. The police in this instance should have immediately returned the medicine when asked to do so. Any process issues could have been dealt with via the clinic sending the medicine.

2. It is now Police Scotland policy - as set out by the Lord Advocate - that small amounts of cannabis will not be charged. This case could have easily fallen under this, and therefore even with the police officers lack of knowledge around the law, they should have been aware about their own drug policy.

In delivering a lecture on cannabis policy in Scotland, I accessed the recent statistics in regards cannabis and policing, and was shocked to see that despite 4-5 years of having cannabis possession as a recorded police warning, cannabis possession charges still make up over 50% of your drug possession charges.

I am sure you share our deep concern that the policing of cannabis is not being carried out consistently or within the limits, or spirit, of the law or Police Scotland's policy, and we invite you to actively engage with the Cross Party on this issue.

Previously Police Scotland has engaged (thanks [REDACTED UNDER S.38] and [REDACTED UNDER S.38] and others), however we are now a formally constituted group and are keen to explore how medicinal cannabis users can avoid harassment and trauma while we make the tricky transition from a **legal** private prescription model, to a **legal** NHS prescription model (and if we are to follow the international momentum, a legal cannabis market). The policing of patients is imperative for this to avoid instances such as above.

Our next session is on the 2nd February at 6pm (online) and will be looking at education around cannabis based medicines, a rather pertinent issue it appears.

We look forward to engaging with you on this and sincerely hope that you respond to this email, and to an invitation to join the cross party group.

Please let me know if there are other Police Scotland colleagues who should be engaged on this -in particular any of your drug policy team/substance use team. I have also Cc'd the Scottish Government's drug policy unit and the medicines team, both of whom are engaging to an extent on this issue. There needs to be some joint collaboration going forward in regards to the policing of medicinal cannabis if we are to minimise the harm currently being done to citizens. It does not require too much to make many people's lives a lot better.

I would also be grateful if someone could advise me who the new chair of the Drug Deaths Task Force will be.

Warm wishes

Anna

Dr. Anna Ross

LLB (Hons) Dip LP, MSc, PhD.

Senior Teaching Fellow Health in Social Sciences @ The University of Edinburgh

Honorary Research Assistant @ Drug Science

Founder of the Scottish Cannabis Consortium

Founder of the Scottish Drug Policy Conversations: [sdpc.org](http://sdpc.org)

PEaCE:scotpeace.consulting

Tel: [REDACTED UNDER S.38]

**Response to the above email:**

Thank you for your email of 26th January 2022 to The Public Engagement Unit. I have been asked to respond as I work in the Police Division within the Safer Communities Directorate.

The Police and Fire Reform (Scotland) Act 2012 stipulates that the Chief Constable is responsible for the policing of Scotland, and is accountable to the Scottish Police Authority for this, rather than to Scottish Ministers directly. These arrangements are in place to ensure public confidence that the police act independently, free from unwarranted Ministerial interference. I hope you will understand it would therefore be inappropriate for the Scottish Government to comment on the police handling of any individual case. As such, the strategy and deployment of police officers is also a matter for Police Scotland and the Chief Constable.

Legislation for Cannabis Based Products for Medicinal Use (CBPMs) products is reserved to the UK Government, and the Scottish Government has no powers to alter its status. The UK Government brought in new Regulatory changes on 1 November 2018 to allow specialist doctors, registered with the General Medical Council, to prescribe CBPMs as defined by the UK Regulations. The CBPM products may be legally obtained by a patient through a valid prescription from a doctor registered on the GMC specialist register. Those individuals who do have a valid prescription should show this to the Police as evidence that they are entitled to the product.

If you are unhappy with the way in which Police Scotland have carried out their duties in this particular case, it is open to you to make a formal complaint. Full details about Police Scotland's complaints process can be found on their website:

[Make a formal complaint - Police Scotland](#)

If, once you have received a response from Police Scotland you remain dissatisfied, it will be open for you to refer the matter to the Police Investigations and Review Commissioner (PIRC) who has responsibility to provide independent scrutiny of the way the police respond to complaints from the public. You can contact the PIRC either via their website:

([www.pirc.scotland.gov.uk](http://www.pirc.scotland.gov.uk)), by telephone: 01698 542900, email: [enquiries@pirc.gsi.gov.uk](mailto:enquiries@pirc.gsi.gov.uk) or by writing to:

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See

[www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG

[www.gov.scot](http://www.gov.scot)

PIRC

Hamilton House

Hamilton Business Park

Caird Park

Hamilton

ML3 0QA.

It is normally necessary to make any application to PIRC within 3 months of receiving Police Scotland's final response to your complaint. It is important to note that in looking at all non-criminal complaints against policing bodies operating in Scotland, the PIRC's role is about looking at whether the Policing body handled the complaint to a reasonable standard or not, it is not to investigate the circumstances which led to the complaint or uphold allegations made.

I hope that you find this response helpful.

Yours sincerely

[REDACTED UNDER S.38]

**POLICE : Powers and Workforce Unit**

Scottish Government