

## Briefing for the Citizen Participation and Public Petitions Committee on petition PE1900: Access to prescribed medication in police custody, lodged by Kevin John Lawson.

### Background

The petitioner is calling on the Scottish Parliament to urge the Scottish Government to ensure that all detainees in police custody can access their prescribed medication, including methadone, in line with existing relevant operational procedures and guidance.

The dispensing of medication, including methadone, for individuals who are to be detained by Police Scotland, is set out in Police Scotland's [Standard Operating Procedure for the Care and Welfare of Persons in Police Custody](#) ("the SOP").

The SOP sets out in detail, the risk assessments that Police Scotland must carry out when a person is to be held in police custody. Those assessments include identifying any vulnerabilities which an individual may have, including medical conditions requiring medication, and known drug abuse or dependencies. Where a prisoner is apprehended at their home address, the arresting officers should, when practicable, ask if the prisoner has any prescribed medication. If so, it should be included with the prisoner's property and brought to the attention of the Custody Supervisor when the prisoner arrives at custody.

The SOP also sets out the process where the provision of medication for an individual is required. Medical provision for prisoners is the responsibility of the National Health Service in Scotland. Should medical advice and/or assistance be required in relation to any prisoner, it is the responsibility of the police Custody Supervisor to make contact directly with the relevant Health Care Professional (HCP). HCPs can be doctors, nurses or paramedics.

The management of all medication given to an individual whilst in police custody is the responsibility of the HCP. Police officers and Police Custody Security Officers may assist in the administration of medication to prisoners whilst in custody, only when the HCP is satisfied that it is appropriate for them to exercise this function. However, the administering of methadone to prisoners is strictly governed and must only be done by healthcare staff.

The petitioner is concerned that police detainees are not being treated in accordance with official guidance or with regard to the Mandela Rules and believes that this actually breaks Article 3 of the Human Rights Act – freedom from torture and inhuman or degrading treatment.

[The Mandela Rules](#) have been published by the United Nations Office on Drugs and Crime and are concerned with the treatment of prisoners. The rules are not binding on states and simply set out what is generally accepted as being good principles and practice in the treatment of prisoners.

With regard to a breach of Article 3 of the Human Rights Act, the petitioner has not provided any examples of where this may have occurred. The Police Scotland Standard Operating Procedure referenced above was subject to an Equality and Human Rights Impact Assessment.

## Scottish Government Action

The Scottish Government has not taken any specific action on this issue.

## Scottish Parliament Action

The Scottish Parliament has not taken any specific action on this issue.

## Key Organisations and relevant links

[Police Scotland](#)

[NHS Scotland](#)

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