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Our Ref: IM-FOI-2022-1455
Date: 3rd August 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

1. How many strip searches (stop and search and/or in custody) were carried out by your officers on vulnerable adults in: (2017,2018, 2019, 2020, 2021)?

Please note vulnerable adults includes adults with mental health problems and learning disabilities and falls under the below definition:

A vulnerable adult is any person aged 18 years or over who is or may be in need of community services by reason of mental, physical or learning disability, age or illness AND is or may be unable to take care of themselves or unable to protect themselves against significant harm or exploitation.

Strip searches are conducted in two different areas namely as part of a stop and search and when someone comes into police custody.

As you have asked for strip searches specifically, this response does not include figures for intimate searches.

Stop and Search

I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, a stop search record does not record whether the person searched was a vulnerable adult and so for each strip search over the 5 year period requested, the searching officers would need to be individually contacted to obtain details to answer this question.

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In this case 7,593 records would need to be manually checked. A time study for a previous FOI where a similar request was made concluded that a conservative estimate of 14 minutes per record would be required to obtain this data, this equates to over 1771 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

Whilst I would normally suggest that a refined period is considered, in this case even a single year will vastly exceed the cost threshold within the Act.

As an alternative, it was considered whether it was possible for this information to be obtained by examining our public protection system (the interim vulnerable persons database) as it is possible that a stop and search record may result in an entry being added. Unfortunately this will not be the case in each instance and so reliable statistics are not held which would again result in a manual check with officers being required.

Custody

In regards to the period covering 01/01/2017 to 24/01/2018 I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, there is unfortunately no easy way for the requested information to be retrieved for this period. The complexity of the task lies in variations in the systems used to record custodies and recording practices during that time.

In this case many thousands of records would need to be manually checked to confirm the information requested. It is estimated this would take thousands of hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

In regards to the period covering 25/01/2018 to 31/12/2021, please find the requested information in the table below.

Year	Number
2018 from 25/01/2018	185
2019	219
2020	223
2021	197

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Please note that our national custody system is manually input and so may be subject to human error.

2. Of the above, how many resulted in charges (2017,2018, 2019, 2020, 2021)?

Stop and Search

As the answer to question 1 was that information cannot be retrieved within cost, it follows that any question asking for a subset of this information is exempt. I would direct you to my answer to question 1 for the reasons this exemption applies.

Custody

The strip searches found for question 1 were checked to see if they resulted in a positive search for an item. These positive matches will also include instances where items that would not result in a charge were found such as cigarettes, lighters, mobile phones etc. Positive matches were then manually checked to confirm if a charge resulted from the item found. Please find the requested information in the table below.

I would direct you to my answer to question 1 for the reasons the full period requested is not covered.

Year	Number
2018 from 25/01/2018	3
2019	4
2020	4
2021	1

3. How many strip searches were carried out by your officers on vulnerable adults (same definition as above) without an appropriate adult present in the past 5 calendar years: (2017,2018, 2019, 2020, 2021)?

Stop and Search

I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, a stop search record does not record whether an appropriate adult was present and so for each strip search over the 5 year period requested, the searching officers would need to be individually contacted to obtain details to answer this question.

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In this case 7,593 records would need to be manually checked. A time study for a previous FOI where a similar request was made concluded that a conservative estimate of 14 minutes per record would be required to obtain this data, this equates to over 1771 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

Whilst I would normally suggest that a refined period is considered, in this case even a single year will vastly exceed the cost threshold within the Act.

Custody

In regards to the period 01/01/2017 to 24/01/2018 I would direct you to my answer to question 1.

In regards to the period 25/01/2018 I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, this information is not recorded in a format that would allow it to be automatically extracted from our National Custody System. Although we can retrieve a list of strip searches where a vulnerable adult was requested, each would have to be manually checked to confirm if the vulnerable adult requested was actually present or not.

In this case 824 records would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to over 68 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

In order to be of assistance, you may wish to consider submitting a refined request for a narrower time period which may allow some information to be provided.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to

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foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.