

Our Ref: IM-FOI-2022-1327
Date: 7th July 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. Number of 999 calls received for individuals experiencing a mental health crisis, by year, from 2010 until now.

Police Scotland does not record calls or associated incidents in the terms outlined above.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

To be of some assistance, we could provide data from February 2018 to date regarding incidents which had a mental health tag added but I must stress that this could not be taken to mean that the incident met the terms of your request.

2. The number of instances where police officers have had to restrain someone who they believed to be experiencing a mental health crisis, by year, from 2010 until now.

a. Please provide this data broken down by ethnicity (IC Code).

In response to this question, 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, use of restraints, i.e. handcuffs etc. does not get specifically recorded and may be recorded in a variety of ways such as Police Officer notebooks etc. all of which would have to be individually examined.

As such, this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

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Please see information regarding Police Scotland's 'Use of Force' on our [website](#).

3. The number of times police officers have used Section 136 powers under the Mental Health Act, by year, from 2010 until now.

a. Please provide this data broken down by ethnicity (IC Code).

Section 136 of the Mental Health Act 1983 does not apply in Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

Individuals in Scotland can be detained for mental health reasons under Section 292 (Removal from a private place under warrant) and Section 297 (Removal from a public place) of the Mental Health (Care and Treatment) (Scotland) Act 2002. This gives Police Officers the power to remove someone to a place of safety as defined by the Act.

If it would be of some assistance, we may be able to provide statistics regarding the above mentioned. Please submit a new request if this is of interest to you.

Should you require any further assistance please contact Information Management Dundee, 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 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.