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Our Ref: IM-FOI-2022-1711  
Date: 14<sup>th</sup> September 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) Broken down by age, gender, division and year, how many people under the age of 18 were strip searched by Police Scotland between the inception of the force to August 10 2022?**

Police Scotland record strip searches separately depending on whether they took place as part of a stop and search or as part of the custody process. Following a clarification request you confirmed that you were looking for strip searches for both of these.

I have taken your request since the inception of the force to be for the period 01/04/2013 to 10/08/2022.

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

#### Stop and Search:

In regards to the period 01/04/2013 to 31/03/2017, 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, our Stop and Search Code of Practice and the enhanced database introduced as a result only holds information back to 1<sup>st</sup> of April 2017. Prior to this, information was held in the legacy systems of the 8 territorial forces that made up Police Scotland. Recording practices and system capabilities varies across these systems and so the only way to obtain accurate and comparable figures would be for each search to be manually checked.

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In this case many thousands of records would need to be manually checked to confirm firstly if a stop and search resulted in a strip search and then to obtain the breakdown requested. It is estimated this would take thousands of hours of work to provide the information requested.

In regards to the period 01/04/2017 to 31/03/2022 please be advised that the requested information is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

I can confirm that the information requested is available through our public website. I have attached a direct link to relevant page for you:

<https://www.scotland.police.uk/about-us/how-we-do-it/stop-and-search/data-publication/>

There are guidance notes available in the information tab of each spreadsheet but to be of some assistance, you can filter column AK by excluding STANDARD and INTIMATE searches which will leave strip searches inside police stations and strip searches outside police stations.

In regards to the period covering 01/04/2022 to 10/08/2022, please find the requested information in the attached spreadsheet. A breakdown by year has not been included as only a 3 month period is covered.

Custody:

In regards to the period covering 01/04/2013 to 12/01/2017 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.

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By way of explanation, our national custody system was introduced on 13<sup>th</sup> April 2017 and as a result only holds information back to this date. Prior to this, information was held in the legacy systems of the 8 territorial forces that made up Police Scotland. Recording practices and system capabilities varies across these systems and so the only way to obtain accurate and comparable figures would be for each search to be manually checked.

In this case many thousands of records would need to be manually checked to confirm firstly the type of search conducted and then to obtain the information requested. It is estimated this would take thousands of hours of work to provide the information requested.

In regards to the period covering 13/01/2017 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, whilst our National Custody System was introduced on 13/01/2017, we did not separately record intimate searches until the Criminal Justice (Scotland) Act 2016 was implemented on 25/01/2018. As a result, it is not possible for specific strip search statistics to be provided for this period without a manual review of each strip search to filter out intimate searches.

In this case 1,030 records would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to over 85 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.

I would normally suggest that a request with a reduced timescale be considered however as just over a single year exceeds the cost threshold I do not believe meaningful statistics can be provided for this part of your request.

In regards to the period 25/01/2018 to 10/08/2022, please find the requested information in the attached spreadsheet.

### **2) For what reason was a strip search carried out i.e. suspicion of drug offences?**

#### Stop and Search:

I would firstly direct you to me answer to question 1 in regards to reasons the full time period requested has not been covered. In regards to the period 01/04/2017 to 10/08/2022 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.

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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, whilst we do record the reason for each stop and search on our database, this relates to the initial stop and search and does not cover the justification for the subsequent strip search. Each strip search would have to be manually checked with both the enquiry and authorising officer being contacted to provide the requested information.

A previous request where the time period 1<sup>st</sup> January 2020 to March 16 2022 identified that over 200 records would need to be manually checked. A time study concluded that a conservative estimate of 17 minutes per record would be required, this equates to over 56 hours of work to provide the information requested. This does not take into account additional issues that may arise should an enquiry officer or authorising officer have since left Police Scotland. In these instances it is likely additional time would be required. As you have asked for a larger time period that this, the time taken to retrieve this information would be even longer.

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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year may still exceed the cost threshold set out under the Act. You may wish to submit a request asking for the initial reason for the stop and search rather than the reason for the subsequent strip search.

### Custody:

I would firstly direct you to my answer to question 1 in regards to reasons the full time period requested has not been covered. In regards to the period 24/01/2018 to 10/08/2022 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, whilst we do record the reason for each strip search conducted, this information is recorded by way of a free text field. On review of the data obtained, it has become obvious that personal information is present in some cases and that clarification would be required for some entries where ambiguity exists. Whilst the normal process would be for this information to be reviewed and personal information redacted,

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due to the large amount of entries involved, it would exceed the cost threshold to review the data to determine which redactions should be made. This is further complicated by entries that are blank where the reason would need to be obtained from the searching officer.

The possibility of assigning each entry a general heading such as drugs, refusal to answer safeguarding questions etc was explored but this would likewise require a manual assessment of each record with a similar time to review as for redaction. It would also not negate the time taken to obtain the information required for blank entries.

In this case 2,191 entries would need to be manually checked. At a conservative estimate of 5 minute per record, this equates to over 182 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.

You may wish to consider requesting information for a reduced timescale such as a single year which may allow some information to be provided.

### **3) How many such searches resulted in an arrest being made?**

#### Stop and Search:

I would firstly direct you to my answer to question 1 in regards to reasons the full time period requested has not been covered. In regards to the period 01/04/2017 to 10/08/2022 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, our stop and search database does not record what action was taken as a result of a positive search and so a manual review of each record would be required to confirm the outcome. This would involve checking other police systems to obtain the information required.

In this case thousands of records would need to be manually checked which would equate to 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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

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### Custody:

I would firstly direct you to my answer to question 1 in regards to reasons the full time period requested has not been covered. In regards to the period 24/01/2018 to 10/08/2022, 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, on review of the data involved, it has been determined that the result of 259 searches are not clear and would require a manual check of the relevant files. Whilst this could be conducted within cost, the result of searches is noted as positive or negative and so any positive search would also need to be checked to confirm if it led to a subsequent arrest on that specific offence. This would add an additional 196 records that would need to be manually reviewed.

At a conservative estimate of 10 minutes per record, this equates to over 75 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.

You may wish to consider requesting information for a reduced timescale such as a single year which may allow some information to be provided.

#### **4) How many complaints were made against officers as the result of a strip search of a person under 18 and what were the outcomes of these complaints?**

In regards to the period 01/04/2013 to 31/03/2014, 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, our current complaints database was introduced on 1<sup>st</sup> April 2014 and as a result only holds information back to this date. Prior to this, information was held in the legacy systems of the 8 territorial forces that made up Police Scotland. Recording practices and system capabilities varies across these systems and so the only way to obtain accurate and comparable figures would be for each search to be manually checked.

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In this case many thousands of records would need to be manually checked to confirm firstly if a stop and search resulted in a strip search and then to obtain the breakdown requested. It is estimated this would take thousands of hours of work to provide the information requested.

In regards to the period 01/04/2014 to 10/10/2022, 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, we do not have a specific complaints category or marker that relates to complaints made in regards to strip searches. A manual review would be required to confirm which complaints related to this specifically. We considered whether allegations linked to complainers aged under 18 or under only would reduce the number of files requiring review for the purposes of this question. However, as the complainer is not necessarily the same individual subject to the alleged behaviour the only way to obtain reliable statistics would be for all complaints to be reviewed.

In this case several thousand complaint files would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to hundreds if not thousands 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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

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 [foi@scotland.police.uk](mailto: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](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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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.