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Our Ref: IM-FOI-2022-0607
Date: 10th May 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.

- The number of times Police Scotland carried out a stop and search with 'reasonable grounds' in the last five years, broken down into 2018, 2019, 2020, 2021, and 2022 up to March 2022. Can I also have this data broken down into gender, ethnicity, age and reason for search.

In regards to the period 01/01/2018 to 31/12/2021, 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/>

I would draw your attention to the information tab within each spreadsheet which provides information on the column headings provided.

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In regards to the period 01/01/2022 to 11/03/2022 please find the requested breakdown below. 11/03/2022 is day 1 of the request following clarification.

Number of stop and searches:

5,585

Gender:

Female – 866

Male – 4,719

Ethnicity:

Ethnicity	Total
African, African Scottish, African British	28
Any Mixed Ethnic group	45
Arab, Arab Scottish, Arab British	6
Bangladeshi, Bangladeshi Scottish, Bangladeshi British	1
Black, Black Scottish, Black British	32
Chinese, Chinese Scottish, Chinese British	4
Indian, Indian Scottish, Indian British	17
Not Provided / Unknown	67
Other African	5
Other Asian	26
Other Caribbean or Black	5
Other Ethnic Group	22
Pakistani, Pakistani Scottish, Pakistani British	72
White British	108
White English	125
White Gypsy/Traveller	5
White Irish	13
White Northern Ireland	15
White Other	92
White Polish	60
White Scottish	4,829
White Welsh	8

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Age:

Age	Total
12	16
13	61
14	131
15	175
16	181
17	202
18	211
19	208
20	192
21	208
22	159
23	168
24	140
25	156
26	153
27	142
28	150
29	169
30	150
31	139
32	137
33	149
34	130
35	142
36	131
37	119
38	150
39	118
40	118
41	131
42	118
43	118
44	69

Age	Total
45	100
46	88
47	88
48	54
49	55
50	58
51	43
52	48
53	28
54	32
55	30
56	33
57	23
58	20
59	28
60	16
61	12
62	5
63	11
64	6
65	7
66	4
67	1
68	1
69	1
70	3
72	2
73	2
74	2
76	2
77	1
86	1
Unknown/Not Recorded	39

Reason:

Reason	Total
Care & Welfare	476
Drugs	4,238
Firearms	6
Fireworks	1
Other	2
Protection of Life	28

Reason	Total
Sport Event	2
Stolen Property	248
Warrant	288
Weapons	294
Wildlife	2

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- The number of stop and searches carried out 'without reasonable grounds' in the last five years, broken down into 2018, 2019, 2020, 2021, and 2022 up to March 2022. Can I also have this data broken down into gender, ethnicity, age and reason for search without reasonable grounds.

- The number unlawful strip searches that Police Scotland were found to have made in the last five years, broken down into 2018, 2019, 2020, 2021, and 2022 up to March 2022, and also further broken down into gender, ethnicity and age.

Following a clarification request you confirmed that:

My request is regarding strip searches conducted whilst a person is detained under the terms of a statutory power of search or a warrant issued by a sheriff in Scotland.

In regards to both of these questions, all stop and search activity recorded on the National Stop Search Database is deemed to have been conducted in accordance with the Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland underpinned by S65 Criminal Justice Scotland Act 2016

The Code of Practice stipulates that *'Reasonable grounds for suspicion is the legal test that a constable must satisfy before they can stop and detain a person to carry out a search under almost all statutory provisions. The usual requirement is a reasonable suspicion that the person has committed, or is committing, or is about to commit, a particular crime or is in possession of a prohibited article'*

Whilst we considered whether we could provide data on the number of complaints against the police relating to stop search activity which were upheld it was determined that this would not produce statistics that the search would be classed as 'unlawful' / 'without grounds' as this would be a subjective assessment that would very much depend on the circumstances and detail of each individual complaint.

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

I have included a link below to the Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person and S65 of the Criminal Justice Scotland Act 2016 for your information.

Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person:

<https://www.gov.scot/publications/code-practice-exercise-constables-power-stop-search-person-scotland/>

S65 of the Criminal Justice Scotland Act 2016:

<https://www.legislation.gov.uk/asp/2016/1/section/65/enacted>

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

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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.pnn.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.