| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0255  Responded to: 30 January 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## The College of Policing changed the APP relating to: ‘Detention and Custody - Control, restraint and searches’, with the addition of the section ‘ the documenting of strip searches in police custody.’

## This change to the APP was made on 05.07.2023.  [https://www.college.police.uk/app/detention-and-custody/changes](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.college.police.uk%2Fapp%2Fdetention-and-custody%2Fchanges&data=05%7C02%7Cfoi%40scotland.police.uk%7C772be0ac1fde4051ce9308dc1ca78014%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638416752944073781%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=hZuzeYCMlWo9aaEChBIb3rIScwUKKN9PqnLCZfeS9rI%3D&reserved=0)

## It details the legal position and requirements re police custody strip searches / welfare clothes removal / PACE Code C Annex A - citing a legal ruling from 2015, Davis v Merseyside Police (which is sometimes referred to as PD v Merseyside Police).

## Please can you tell me:

## Whether your force procedure or policy on custody/strip search/documentation was updated to reflect this change to the APP?

## (ie - a change or updated version around or shortly after 5th July 2023 which relates to the APP new section on documenting strip searchies in custody and / or PACE Code C Annex A and / or removal of clothes for welfare reasons/prevention of self-harm and / or Davies/PD v Merseyside Police).

## Please can you provide me with:

## A copy of the force’s procedure / policy that was in place before the change was made (this would likely be the procedure / policy document that was in use in June 2023)

## A copy / copies of any new / updated versions of this procedure / policy document that have been issued by your force since the change to the APP (in early July 2023).

## If the change to the APP on this matter was communicated to custody officers / staff in any other way (perhaps an internal email or in an internal newsletter) I’d be grateful if you could also give me details of what was communicated and when.

## If your procedure / policy on this issue had already been changed in 2015 as a result of the Davies v Merseyside Police ruling (or as a result of guidance on the ruling issued by HMIC in 2015) then please tell me about these changes (ie what was changed and when).

In response, please be advised that the above does not relate to Scotland and 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 assistance our [Care and Welfare of Persons in Police Custody Standard Operating Procedure maybe useful.](https://www.scotland.police.uk/spa-media/0mfjn3pa/care-and-welfare-of-persons-in-police-custody-sop.pdf)

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.