

Our Ref: IM-FOI-2021-2733
Date: 5 January 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. The total number of stop and searches carried out by Police Scotland between 1 January 2000 and 31 March 2017; and

2. The total number of stop and searches carried out by Police Scotland under the powers of Section 23 of the Misuse of Drugs Act between 1 January 2000 and 31 March 2017; and

I can advise you that Police Scotland does not hold all of the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, Police Scotland became operational on 1 April 2013, merging all 8 of the regional services in Scotland. Each of the 8 regional forces used different recording systems and while they are adequate for their policing purposes, they recorded information in differing formats and started recording stop and search data at different points in time, accordingly a full data set is not held for the time period requested. In addition, no data was recorded for Dumfries and Galloway within that period.

The Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland came into effect on 11 May 2017. The Code governs all situations in which constables stop and search a person without first making an arrest, unless the search is expressly excluded, either under the Code, by statute, or by virtue of the search being subject to a separate statutory Code or guidance as to its exercise. The Code also sets out the requirements to be followed by the Police for recording information in relation to all stop and search activity covered by the Code.

The information held for the time frame requested, is provided separately within 21-2733-Data 1. The data provided, pre-dates the introduction of the Code of Practice and this data is likely to suffer from data quality issues. Please note the caveats attached to the data set.

3. The total number of stop and searches carried out by Police Scotland under the power of Section 23 of the Misuse of Drugs Act which led to an arrest between 1 January 2000 and 31 March 2017.

OFFICIAL

I would ask that you note Police in Scotland have the power to arrest an individual where there is sufficient evidence to support a charge against them - either for a common law offence or for a statutory offence where the statute empowers the police to arrest any person contravening its provisions.

There is, however, no mandatory recording process in relation to arrests as not all offenders are routinely arrested when they commit offences and some may be subject of a report to the Procurator Fiscal without ever having been arrested

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 I can confirm that the information you seek is not held by Police Scotland in the format requested.

Should you require any further assistance concerning this matter please contact Information Management – Glasgow at foiglasgow@scotland.pnn.police.uk 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.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.