| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1248  Responded to: 12 June 2024 |
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Your recent request for information is replicated below, together with our response.

## Under FOISA 2002, I require

## 1. The rules and regulations surrounding such detentions that the Police Scotland must follow

## 2. Police Scotland's policy (and any source documentation) behind waking detainees every hour, along with the reasoning behind and justification for torturing detainees in such a fashion.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it is exempt information”.

The information sought is publicly available and I would refer you in particular to section 15.2:

[Care and Welfare of Persons in Police Custody SOP](https://www.scotland.police.uk/spa-media/0mfjn3pa/care-and-welfare-of-persons-in-police-custody-sop.pdf)

## 3. An explanation as to how someone lying fast asleep can possibly be a danger either to themselves or others (possibly contained within Q2).

As you may be aware, the Freedom of Information (Scotland) Act 2002 provides a right of access to recorded information only. On that basis, the information sought is not held by Police Scotland and section 17 of the Act therefore applies.

As you will note from the SOP referred to however, frequency of cell visits and the level of intrusion is based on the prisoner’s care and welfare assessment.

## 4. Police Scotland's official policy/statement regarding adherence to (i) the Human Rights Act 1988; (ii) The European Convention on Human Rights;

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it is exempt information”.

The information sought is publicly available and I would refer you in particular to section 3:

[Equality and Human Rights Impact Assessment (EqHRIA) Guidance](https://www.scotland.police.uk/spa-media/iptdu2my/equality-and-human-rights-impact-assessment-eqhria-guidance.doc)

## and (iii) The International Covenant on Civil and Political Rights.

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. To be of assistance, you may be interested in the following information:

[Code of Ethics for policing in Scotland](https://www.scotland.police.uk/about-us/who-we-are/code-of-ethics-for-policing-in-scotland/)

[Our Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/)

[Equality, Diversity and Dignity SOP](https://www.scotland.police.uk/spa-media/3lka0za4/equality-diversity-and-dignity-sop.pdf)

[Equality, Diversity and Dignity Policy](https://www.scotland.police.uk/spa-media/p3dboqcw/equality-diversity-dignity-policy.pdf?view=Standard)

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.