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Our Ref: IM-FOI-2022-0459
Date: 01 March 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) Is there any Law in Scotland, that prohibits non Police staff - primarily Security or Door Supervisor staff; carrying or using handcuffs to reduce the risk of violence or to detain a person lawfully arrested, if they are properly trained to do so?**
- 2) Would a security operative or any member of the public (as we believe any person under UK law can own and carry handcuffs if they have a justifiable reason to do so), be cautioned, charged or arrested for having such items in their possession.**
- 3) Can such items, be they chained, hinged or rigid, be confiscated from a security operative, irrespective of a formal caution, charge or arrest. Whereby they incorrectly viewed as an offensive weapon. In the situation where they are being worn as part of a uniform on a legitimate assignment, or being transported as part of a duty bag or similar to and from the site of that assignment and associated premises.**

Subject to proper training in the application of mechanical restraints, specifically handcuffs and respecting that SIA licensed security operatives have no legal powers over and above other civilians. And, their use could constitute a crime, unless they can show that using them was reasonable and proportionate in the circumstances.

- 4) Could a security officer be similarly cautioned, charged or arrested for their use if using them was reasonable and proportionate at the time of application. Subject further review if required, or it is considered their use was unnecessary, inappropriate or non proportionate.**
- 5) If approved and can be worn, would The Police Service of Scotland be prepared to advise if they consider handcuffs should be visible to the public, similar to a uniformed Police Officer. Whereby there is no justified reason for their concealment such as Close Protection, or similar VIP, or for example, corporate or high-value retail, where visibly worn they could be intimidating to the clientele.**

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I must conclude that as it does not seek a copy of recorded information, it is not a valid request in terms of Section 8 of the Freedom of Information (Scotland) Act 2002.

By way of explanation, your questions are seeking an opinion which is not considered recorded information as per the Act.

The examples you have provided are subject to too many variables in order to provide a valid response.

I can advise there is no law in Scotland that prevents civilians carrying handcuffs however, their use could constitute a crime, unless it can be evidenced that using them was reasonable and proportionate in the circumstances.

SIA licenced security operatives have no legal powers over and above other civilians.

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 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.