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Our Ref: IM-FOI-2022-1008  
Date: 20<sup>th</sup> June 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. How many 'strip searches' were carried out by your officers in the past 3 calendar years (2019, 2020, 2021)?**

**Please list each occasion and the information by:**

- sex of person searched
- age of person searched
- ethnicity of person searched
- reason for their arrest
- outcome of the search

**2. On how many occasions did your officers draw their taser in the past 3 calendar years (2019, 2020, 2021)?**

**Please list each occasion and the information by:**

- sex of person searched
- age of person searched
- ethnicity of person searched
- reason for their arrest
- outcome of the search

**3. On how many occasions did your officers red dot their taser in the past 3 calendar years (2019, 2020, 2021)?**

**Please list each occasion and the information by:**

- sex of person searched
- age of person searched
- ethnicity of person searched
- reason for their arrest
- outcome of the search

**4. On how many occasions did your officers discharge their taser in the past 3 calendar years (2019, 2020, 2021)?**

**Please list each occasion and the information by:**

- sex of person searched
- age of person searched
- ethnicity of person searched

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- **reason for their arrest**
- **outcome of the search**

You provided the following as clarification:

**For clarity**

**Questions 2-4 are unrelated to strip searches.**

**Please ignore the word searched when asking about ethnicity in the taser questions.**

**It was a copy and paste error.**

**We just require the ethnicity of the person.**

**The questions are not related to the strip search questions.**

Following a further clarification request, the following questions were agreed:

**1. How many 'strip searches' as part of a stop and search and as part of the custody process were carried out by your officers in the past 3 calendar years (2019, 2020, 2021)?**

**Please list each occasion and the information by:**

- **sex of person searched**
- **age of person searched**
- **ethnicity of person searched**

Police Scotland has two processes in regards to strip searches depending if it was part of a stop and search or part of a search when someone is brought into police custody.

As you have asked for strip searches specifically, this response does not include figures for intimate searches.

Stop and Search:

Please be advised that in regards to the number of strip searches broken down by sex, age and ethnicity, this 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:

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“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/>

There are guidance notes available in the information tab of each spreadsheet but to be of some assistance, you can filter column AK by excluding STANDARD and INTIMATE searches which will leave strip searches inside police stations and strip searches outside police stations.

### Custody

Please find the requested information within attachment 01 included with the response.

### **- reason for their arrest**

#### Stop and Search

In regards to reason for their arrest, as stop and searches are used in situations in which officers stop and search a person without first making an arrest, I assume you are asking for the reason the strip search following the stop and search was conducted.

In response to your request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, whilst we do record the reason for each stop and search on our database, this relates to the initial stop and search and does not cover the justification for the subsequent strip search. Each strip search would have to be manually checked with both the enquiry and authorising officer being contacted to provide the requested information.

In this case thousands of records would need to be manually checked. A time study concluded that a conservative estimate of 17 minutes per record would be required and that it is likely thousands of hours of work would be required to obtain the information requested. This also does not take into account additional issues that may arise should an enquiry officer or authorising officer have since left Police Scotland. In these instances it is likely additional time would be required.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

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I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still exceed the cost threshold set out under the Act. You may wish to submit a request asking for the initial reason for the stop and search rather than the reason for the subsequent strip search.

### Custody:

In regards to reason for their arrest and in order to keep our response consistent I have assumed you are asking for the reason the strip search was conducted.

In response to your request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, whilst we do record the reason for each strip search conducted, this information is recorded by way of a free text field. On review of the data obtained, it has become obvious that personal information is present in some cases and that clarification would be required for some entries where ambiguity exists. Whilst the normal process would be for this information to be reviewed and personal information redacted, due to the large amount of entries involved, it would exceed the cost threshold to review the data to determine which redactions should be made.

In this case 90,565 entries would need to be manually checked. At a conservative estimate of 1 minute per record, this equates to over 1,509 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

The possibility of assigning each entry a general heading such drugs, refusal to answer safeguarding questions etc was explored but this would likewise require a manual assessment of each record with a similar time to review as for redaction.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

### **- outcome of the search**

### Stop and Search

In regards to the outcome of the search, I have assumed this refers to whether the search was positive or negative. This information is included in the published data.

Custody

In regards to the outcome of the search, I have again assumed this refers to whether the search was positive or negative.

I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, on review of the data involved, it has been determined that the result of 8,254 searches are not clear and would require a manual check of the relevant files

At a conservative estimate of 4 minutes per record, this equates to over 550 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

**2. On how many occasions did your officers draw their taser in the past 3 calendar years (2019, 2020, 2021)?**

**Please break down by:**

- sex of person drawn on
- age of person drawn on
- ethnicity of person drawn on
- reason for drawing
- outcome

**3. On how many occasions did your officers red dot their taser in the past 3 calendar years (2019, 2020, 2021)?**

**Please break down by:**

- sex of person red dotted
- age of person red dotted
- ethnicity of person red dotted
- reason for red dotting
- outcome

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### 4. On how many occasions did your officers discharge their taser in the past 3 calendar years (2019, 2020, 2021)?

Please break down by:

- sex of person discharged against
- age of person discharged against
- ethnicity of person discharged against
- reason for discharge
- outcome

Police Scotland utilise Tasers in two different areas, within Armed Policing by Authorised Firearms Officers and by Specially Trained Officers within Divisions.

De-escalating situations and keeping people safe is our priority and officers will use the minimum level of force necessary. When the use of Taser is required, it helps to de-escalate situations, keeping vulnerable people safe and protects people from violent individuals. The use of Taser can increase public safety, decrease the risk of injury and has limited or prevented self-harming.

The use of force in any situation will involve a unique set of circumstances and deploying a Taser, or other tactics, will be based on a variety of factors.

Any use of force must be proportionate and ethical and officers are answerable in law for it. Additionally, Police Scotland's use of Tasers is independently scrutinised by the Police Investigations and Review Commissioner.

#### Armed Policing

In regards to questions 1 to 4 and the request for the sex, age and ethnicity of the person involved in the incident, please find the requested information within attachment 02 included with the response.

I would ask you to note the following points in regards to the information provided.

Firstly, in the 2019/20 year there is an entry with the ages highlighted in yellow. This relates to an instance where two children under the age of 12 were both in the company of an adult who a Taser was drawn against. The Taser was only drawn by attending Authorised Firearms Officers for the adult but to ensure transparent and accurate recording processes the presence of children was noted.

Finally, in the 2020/21 year there is an entry that has been redacted as it is subject to an ongoing investigation by the Police Investigations and Review Commissioner (PIRC).

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information requested.

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,

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- (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.

The exemptions that I consider to be applicable to the information requested by you are:

Section 34(1) & (b) – Investigations

Section 34(1)(a) of the Act provides an absolute exemption from disclosure in that information is exempt information if it has at any time been held by a Scottish public authority for the purposes of an investigation which the authority has a duty to conduct to ascertain whether a person should be prosecuted for an offence; or prosecuted for an offence is guilty of it

Section 34(1)(b) of the Act provides an absolute exemption from disclosure in that information is exempt information if it has at any time been held by Police Scotland for the purposes of an investigation which may lead to a decision to make a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted.

As these are absolute exceptions, no public interest test is required.

In regards to questions 1 to 4 and the reason for drawing/red dotting/discharging this is down to the threat assessment made by the individual officer at the time they took action which is done in line with the training they have received. This is not information that is held as recorded information. 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.

In regards to questions 1 to 4 and the outcome of the drawing/red dotting/discharging I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, whilst in general we can say that the outcome will have been to effect an arrest, in order to obtain any more specific information, each report and statement associated with the action would be required.

In this case 426 cases and associated statements would need to be manually checked. During a previous FOI request where a review of case and statement files was required it was determined that a conservative estimate of 31 minutes per case/statement set would be required to fully review cases with statements, this equates to over 220 hours of work to provide the information requested.

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I would normally suggest that you may wish to consider submitting a request with a reduced time period so that some information could be provided. In this case however, taking just the most recent single year would still exceed the cost threshold set out within the Act.

### Specially Trained Officers

In regards to questions 1 to 4 and the request for the sex, age and ethnicity of the person involved in the incident, please find the requested information within attachment 02 included with the response. I would ask you to note that the categories used to record ethnicity for incidents involving Specially Trained Officers differs from those used by Armed Policing. In particular, White Scottish is not recorded separately and is included under White British.

In regards to the reason for use, statistics have only been recorded for this since April 2021 and these details are included within attachment 02. Whilst we do hold the information prior to this date within each individual associated form, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, a manual review of each relevant form would be required in order to collate the information requested.

In this case 831 files would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to over 69 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

I would normally suggest that you may wish to consider submitting a request with a reduced time period so that some information could be provided. In this case however, taking just the most recent single year would still exceed the cost threshold set out within the Act.

In regards to the outcome, we do not record specific statistics in regards to this. Whilst we do hold the information within each individual associated form, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.



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As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, a manual review of each relevant form would be required in order to collate the information requested.

In this case 908 files would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to over 75 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

I would normally suggest that you may wish to consider submitting a request with a reduced time period so that some information could be provided. In this case however, taking just the most recent single year would still exceed the cost threshold set out within the Act.

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.pnn.police.uk](mailto: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](mailto: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.