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Our Ref: IM-FOI-2022-0681
Date: 19th May 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.

I'm looking for information on strip searches carried out by Police Scotland?

Can you release any materials or guidance issued to officers around when to conduct a strip search and how to conduct a strip search? Can you release any specific guidance issued to officers on strip searches of under 18s? Can you release any specific guidance issued to officers on strip searches of transgender or non-binary people?

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.

In both cases the requested 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:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

In regards to stop and search:

This information can be found within Annex C of the Stop and Search Code of Practice:

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<https://www.gov.scot/publications/code-practice-exercise-constables-power-stop-search-person-scotland/>

In regards to searches in custody, as well as the Code of Practice linked above, our Standard Operating Procedure for the Care and Welfare of Persons in Police Custody also contains additional information. I would draw your attention to Section 12 which starts on page 37.

<https://www.scotland.police.uk/spa-media/0mfjn3pa/care-and-welfare-of-persons-in-police-custody-sop.pdf>

Can you give me a breakdown of the number of strip searches carried out between January 2020 and March 16 2022? Can you break this down by month, and then by gender of the person being searched, and by age of the person being searched?

As mentioned above, strip searches are conducted in two different areas namely as part of a stop and search and when someone comes into police custody.

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

Stop and Search:

In regards to the period 1st January 2020 to 31st December 2021, please be advised that the requested 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:

“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

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searches which will leave strip searches inside police stations and strip searches outside police stations.

In regards to the period 01/01/2022 to 16/03/2022 please find the requested information in the attached spreadsheet.

Custody:

Please find the requested information in the attached spreadsheet.

Can you reveal if there have ever been occasions when an officer needed to carry out a strip search on a person of the opposite sex?

Stop and Search:

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, our stop and search database does not record the gender of the searching officer and so in order to obtain a definitive answer, all relevant strip searches would need to be manually checked and cross referenced with personnel files to confirm this information.

In this case over 4,700 records would need to be manually checked. A time study concluded that a conservative estimate of 14 minutes per record would be required to obtain this data which equates to over 1,096 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.

To be of some assistance however, our procedure is that an officer carrying out a strip search must be the same sex as the detainee. Further information and context in regards to this can be found in Annex B and C of the Stop and Search Code of Practice which can be found here:

<https://www.gov.scot/publications/code-practice-exercise-constables-power-stop-search-person-scotland/>

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I would in particular draw your attention to Annex B and points 7-10 which outline occasions where requests by transgender individuals to be searched by officers of a sex other than their birth or acquired sex are accommodated.

Custody:

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, our custody system does not record the gender of the searching officer and so in order to obtain a definitive answer, all relevant strip searches would need to be manually checked and cross referenced with personnel files to confirm this information.

In this case 64,289 entries would need to be manually checked. At a conservative estimate of 14 minutes per record, this equates to over 15,000 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.

To be of some assistance however, our procedure is that an officer carrying out a strip search must be the same sex as the person in custody. Further information and context in regards to this can be found in section 12.3 of the Standard Operating Procedure on the Welfare of Persons in Police Custody.

<https://www.scotland.police.uk/spa-media/0mfjn3pa/care-and-welfare-of-persons-in-police-custody-sop.pdf>

I would in particular draw your attention to section 12.4 of the same document which outlines occasions where transgender individuals will be treated as their preferred gender regardless of their birth or acquired sex.

For each under 18, are you able to say why the person was being strip searched?

Stop and Search:

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.

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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 over 200 records would need to be manually checked. A time study concluded that a conservative estimate of 17 minutes per record would be required, this equates to over 56 hours of work to provide the information requested. This 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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year may 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 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.

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In this case 64,289 entries would need to be manually checked. At a conservative estimate of 1 minute per record, this equates to over 1,071 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.

Can you say if they were accompanied by an appropriate adult?

In regards to both stop and searches and strip searches in custody 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, this information is not recorded as standard on either system and so a manual review of each record would be required to confirm if an appropriate adult was present. This may extend to additional police systems having to be checked.

In this case tens of thousands of records would need to be manually checked which would equate to thousands of 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.

Should you require any further assistance please contact Information Management quoting the reference number given.

Please note that as you have already requested a review in relation to this request, any further dissatisfaction with the response should be escalated to the Office of the Scottish Information Commissioner for a decision. We cannot conduct a second review.

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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.

Applications must be submitted within 6 months of our response to your review request.

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.