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Our Ref: IM-FOI-2022-0749  
Date: 17<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.

### **I would like to know:**

**The number of people subject to strip searches in the last 5 years broken down by age and gender?**

**Specifically, how many children, broken down by age group if possible (for example, 10-12, 13-15, 16-17) were subjected to strip searches in this time?**

**The numbers of people subject to strip search in the last 5 years by ethnicity?**

**And specifically the number of children subject to strip search in this time broken down by ethnicity?**

Following a clarification request you confirmed that by the last 5 years you were referring to 2016-2021 and that your definition of children was those under the age of 18. I would point out that this is not the definition of a child that is used in Scotland.

Police Scotland conducts strip searches 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 covering 01/01/2016 to 31/03/2017 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.

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By way of explanation, our Stop and Search Code of Practice and the enhanced database introduced as a result only holds information back to 1<sup>st</sup> of April 2017. Prior to this, information was held in the legacy systems of the 8 territorial forces that made up Police Scotland. Recording practices and system capabilities varies across these systems and so the only way to obtain accurate and comparable figures would be for each search to be manually checked.

In this case many thousands of records would need to be manually checked to confirm firstly if a stop and search resulted in a strip search and then to obtain the breakdown requested. It is estimated this would take thousands of hours of work to provide the information requested.

In regards to the period 01/04/2017 to 31/12/2021 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 searches which will leave strip searches inside police stations and strip searches outside police stations.

### Custody:

In regards to the period covering 01/01/2016 to 12/01/2017 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, our national custody system was introduced on 13<sup>th</sup> April 2017 and as a result only holds information back to this date. Prior to this, information was held in the legacy systems of the 8 territorial forces that made up Police Scotland. Recording practices and system capabilities varies across these systems and so the only way to obtain accurate and comparable figures would be for each search to be manually checked.

In this case many thousands of records would need to be manually checked to confirm firstly the type of search conducted and then to obtain the information requested. It is estimated this would take thousands of hours of work to provide the information requested.

In regards to the period covering 13/01/2017 to 24/01/2018 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 our National Custody System was introduced on 13/01/2017, we did not separately record intimate searches until the Criminal Justice (Scotland) Act 2016 was implemented on 25/01/2018. As a result, it is not possible for specific strip search statistics to be provided for this period without a manual review of each strip search to filter out intimate searches.

In this case 33,663 records would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to over 2,805 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 as just over a single year exceeds the cost threshold I do not believe meaningful statistics can be provided for this part of your request.

In regards to the period 25/01/2018 to 31/12/2021, please find the requested information in the attached spreadsheet.

Whilst I note that you have requested a breakdown into various age bands. The information we hold is in specific age which has been provided in our response. There is not an obligation under the Act for new information to be created in order to answer a request but you should be able to create this breakdown with the information provided if you wish to do so.

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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.