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Our Ref: IM-FOI-2022-0745  
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.

**How many strip searches/further searches of under 18s were performed by officers in the following financial years:**

**1 April 2021 - 31 March 2022**  
**1 April 2020 - 31 March 2021**  
**1 April 2019 - 31 March 2020**  
**1 April 2018 - 31 March 2019**  
**1 April 2017 - 31 March 2018**

**Please provide a breakdown for each year by gender**

**Please provide a breakdown for each year by ethnicity**

Following a clarification request as your request was submitted prior to the 31<sup>st</sup> March 2022 date you had requested. You advised you were content for the start date of your request to be amended so the full period could be provided.

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.

I would point out that we do not use the term “further searches” in Scotland. We have a standard search, strip search and an intimate search. I have taken your request to include strip searches only as intimate searches is also separate category used in England and Wales.

### Stop and Search:

In regards to the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> 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:

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- (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.

In regards to the period 01/01/2022 to 31/03/2022 please find the requested information in the attached spreadsheet.

Custody:

In regards to the period covering 01/04/2017 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 of persons under 18 to filter out intimate searches.

In this case 796 records would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to over 66 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.

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I would normally suggest that a request with a reduced timescale be considered however as not even 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 covering 25/01/2018 to 31/03/2022, please find the requested information in the attached spreadsheet.

### **For each year - how many of the under 18s were handcuffed during the process**

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, this information is not recorded as standard on either our stop and search or custody system. In order to obtain the requested information, each relevant stop and search and custody would need to be manually checked to confirm if the information is recorded.

Just taking custody, 2,867 records would need to be manually checked. At a conservative estimate of 5 minutes per record, this equates to over 238 hours of work to provide the information requested.

You may wish to consider submitting a request for a reduced timescale which may allow some information to be provided. I would however advise that as this information is not recorded as standard and will be within free text areas of the system, it is likely entries will exist without this information and therefore complete information may not be held.

### **For each year - how many of those searches were released by police without charge**

I have understood this part of your request to be asking for a subset of the information obtained under your question about handcuffing. As we are unable to obtain the initial dataset within cost, I must refer you to my answer above and advise that 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.

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.

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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, Dalrnarnock, 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.