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Our Ref: IM-FOI-2022-1101
Date: 17th 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 children, ie under 18 years of age, have been strip-searched by your police force between 2014 and 2021?**
- 2. How many children ie under 18 years of age were strip searched in custody by your police force between 2014 and 2021?**
- 3. How many children ie under 18 years of age were strip searched by your police force at the location where they were stopped between 2014 and 2012?**
- 4. How many girls, ie under 18 years of age, have been strip-searched by your police force between 2014 and 2021?**
- 5. How many boys, ie under 18 years of age, have been strip-searched by your police force between 2014 and 2021?**
- 6. Were appropriate adults present if strip-searches took place by by your police force between 2014 and 2021?**
- 7. What was the gender and ethnicity breakdown if strip-searches by your police force e took place between 2014 and 2021?**
- 8. How many children, ie under 18 years of age, have been strip-searched in schools b your police force between 2014 and 2021?**
- 9. If children, ie under 18 years of age, were strip-searched in schools by your police force between 2014 and 2021, were appropriate adults present in all cases?**

Following a clarification request you confirmed that by between 2014 and 2021 01/01/2014 to 31/12/2021 would be sufficient. You also confirmed 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.

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

1. How many children, ie under 18 years of age, have been strip-searched by your police force between 2014 and 2021?

2. How many children ie under 18 years of age were strip searched in custody by your police force between 2014 and 2021?

As mentioned above, Police Scotland as part of a stop and search and when someone comes into police custody. I have taken question 1 to relate to stop and search and question 2 to custody.

Stop and Search:

In regards to the period covering 01/01/2014 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.

By way of explanation, our Stop and Search Code of Practice and the enhanced database introduced as a result only holds information back to 1st 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.

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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 01/01/2014 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.

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 13th 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.

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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.

3. How many children ie under 18 years of age were strip searched by your police force at the location where they were stopped between 2014 and 2012?

I have taken question 3 to relate to stop and search only as it does not make sense within the context of custody searches.

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, we do not record this information on our stop and search database. Whilst it is possible the information may be held within free text areas or on other systems held by Police Scotland, it is not possible for this information to be automatically extracted. Each stop and search of a person under the age of 18 would need to be manually checked to confirm if it took place where they were physically stopped.

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

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In order to be of some assistance however, I would advise that as per Annex C of the Stop and Search of the Person in Scotland: code of practice for constables, strip searches shall take place in an area where the detainee cannot be seen by anyone who does not need to be present, nor by a member of the opposite sex, except a responsible adult who has been specifically requested by the detainee and who has agreed to be present during the conduct of the search.

Due to this fact and depending on how strict a definition of location is applied, it is likely that in most cases some movement from the stop location will have taken place.

I have included a link to the Stop and Search code of practice for your information:

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

4. How many girls, ie under 18 years of age, have been strip-searched by your police force between 2014 and 2021?

5. How many boys, ie under 18 years of age, have been strip-searched by your police force between 2014 and 2021?

Stop and Search:

I would direct you to my answer to question 1 and that this information is already available on our website.

Custody:

Please find the requested information in the attached spreadsheet. I would direct you to my previous response to question 2 for the reasons the full period requested has not been provided.

6. Were appropriate adults present if strip-searches took place by by your police force between 2014 and 2021?

Stop and Search:

This information is not recorded on our stop and search database. 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.

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.

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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, unless there is risk of serious harm to the child / young person or another, an appropriate adult (e.g. member of family/friend/member of Social Work/Appropriate Adult) should be present when a strip search is carried out. It can only take place in the absence of an appropriate adult if the child / young person has specifically requested this and the relevant adult agrees. The decision should be recorded on the National Custody System with the details of the adult included.

In order to confirm the number where an appropriate adult was present, a manual check would be required to confirm in each case.

In this case 1,995 records would need to be manually checked. At a conservative estimate of 4 minutes per record, this equates to 133 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 may still exceed the cost threshold set out under the Act.

7. What was the gender and ethnicity breakdown if strip-searches by your police force took place between 2014 and 2021?

In regards to the gender breakdown, please see my answer to questions 4 and 5.

In regards to ethnicity:

Stop and Search:

I would direct you to my answer to question 1 and that this information is already available on our website.

Custody:

Please find the requested information in the attached spreadsheet. I would direct you to my previous response to question 2 for the reasons the full period requested has not been included.

8. How many children, ie under 18 years of age, have been strip-searched in schools by your police force between 2014 and 2021?

I have taken question 8 to relate to stop and search only as it does not make sense within the context of custody searches.

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In regards to the period prior to 01/04/2017, I would direct you to my answer to question 1 and 2 and reiterate that it is not possible for this information to be obtained within the cost limits set out within the Act.

In regards to the period 01/04/2017 to 20/04/2019, I must advise that these records were older than 3 years at the time the last request for this data was made on 20th April 2022 and the identifying details of the searches have been automatically weeded from our stop and search system with only anonymous data remaining. This is in line with our Records Retention Standard Operating Procedure which I have included a link to for your information.

<https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.pdf>

In regards to this period, Section 17 of the Freedom of Information (Scotland) Act 2002 applies and this represents a notice that the information requested is not held by Police Scotland.

In regards to the period 21/04/2019 to 31/12/2021 no strip searches of those aged under 18 took place within schools/school grounds.

9. If children, ie under 18 years of age, were strip-searched in schools by your police force between 2014 and 2021, were appropriate adults present in all cases?

As the answer to question 8 is zero, this question is not applicable.

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 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.