| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0939  Responded to: 08 April 2024 |
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Your recent request for information is replicated below, together with our response.

## How any times have Police Scotland detained a person under S297 The Mental Health (Care and Treatment) (Scotland) Act 2003 over the last five years and how a person have been transported by the Police officers for psychiatric assessment?

## Please give a breakdown for each division/area of number of people and provide information about mode of transport the Police Scotland used to transport persons for psychatric assessment, such as, police car, police van, ambulance.

In Scotland, individuals can be detained for mental health reasons under Section 292 (removal from a private place under warrant) and Section 297 (removal from a public place) of the Mental Health (Care and Treatment) (Scotland) Act 2002, which gives Police officers the power to remove someone to a place of safety as defined by the Act. The definition of place of safety does not include a police station and persons would only be taken to a police station as an absolute last resort and in order to protect the safety of the individual and members of the public.

There will be many occasions where a person is detained using the legislation conferred under Section 297 of the Act and subsequently taken to a place of safety which is not a police station.

In terms of section 17 of the Act, we do not hold information in relation to these situations, including where the individual is taken to a facility for psychiatric assessment as per your request.

We could however provide you with data regarding the limited number of occasions whereby the place of safety used is a police station.  Please submit a new request if that is of interest.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.