| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1102  Responded to: 21 May 2024 |
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Your recent request for information is replicated below, together with our response.

## I request as part of my defence any vocal recording between the arresting officers and the control centre prior to my stop

## Any body worn camera footage from both officers during the stop until I was released as a vulnerable adult at 3am

## Any body worn camera footage 1 hour after I gained my liberty

## I want camera footage at the Desk sargent station made available. I want to see if my Duty of care health questions (22 0ff) were explained to me as a deaf person during my interrogation

## I want to know why a vulnerable person had his liberty returned just 2 hours after (3am) a reported failing of a drug stop. I still wasnt made aware, shown, the failed drug swab throughout the stop and subsequent arrest.

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

The following exemptions are considered relevant:

## Section 38(1) (b) Personal Information

Disclosure of the requested information, if held, would substantially prejudice the ability of Police Scotland with regards the prevention and detection of crime and the apprehension or prosecution of offenders.

This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.

To be of assistance your request for personal information has been forwarded to our Data Protection department. If you require further information you can contact them on the details below.

[SubjectAccess@grampian.pnn.police.uk](mailto:SubjectAccess@grampian.pnn.police.uk)

## When Roads policing officers complete a roadside drug wipe, what do they do with the roadside sample, is it to be lodge as evidence for any proceeding court case.

The Drug Wipe provides an indicative roadside result only, with laboratory analysis of the subsequently obtained blood specimen confirming the presence or absence of any relevant drug and its level if applicable. The indicative Drug Wipe result remains viable and visible only for a brief period after use, degrading quickly thereafter, and the Drug Wipe is discarded.

## I am looking for the copy of the good practice or guideline officers carryout during a road stop

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”

To be of assistance, I have attached a link below which provides the information you have requested.

## <https://www.scotland.police.uk/spa-media/u5jhwnlp/drink-drug-driving-including-railway-marine-and-aviation-sop-v12.doc>

## I want to know if during this time the roadside swab should be reported to the detainee that he has failed prior to taking to the corresponding jail.

**I want to know if the roadside swab should be kept as evidence for the trial**

The result of the Drug Wipe is explained to the subject and, if a positive indication has been obtained, the subject is arrested for the offence and conveyed to a police station to continue procedures.

## And what should happen if the swab is discarded prior to having blood extracted or that procedure being refused as the detainee wasnt aware of his arrest (deaf)

Please refer to above previous response in this regard. Procedures are explained and the use of an appropriate interpreter may be sought if and as required.

## What is the guidance for an individual in custody in relation to liberation following road traffic offences (specifically failing a roadside drug wipe)

If an individual is in police custody only for S.5(A) RTA 1988 and after all police procedures are complete, they will be released pending the results of their blood samples.

## What is the procedure when an individual is arrested and presented at a custody area in Scotland.

Where an individual is presented at custody for a S.5 RTA 1988, they will be processed onto our national custody system and particulars obtained as requested including care and welfare information which will allow us to ensure the individuals wellbeing during their time in custody. Following this the arresting officers will follow the procedure set out on the DD4 form (the information contained on this can be obtained from Road Policing Policy) and on completion the individual will be released pending blood results.

## I want to know the specific details of the procedures to be followed for the apprehension of a disabled person specifically deaf and the duty of care that is followed during all parts of the stop from detainment to release for a vulnerable person

This answer only relates to the individuals time in custody. If a deaf individual is brought into police custody, then an assessment would be made on what their ability was to understand and communicate. If it was deemed that assistance was required, then a deaf interpreter would be requested to assist when required during their time in custody. All decisions regarding an individual’s care and welfare within custody and release are assessed on a case-by-case basis and the Police Scotland Care and Welfare SOP is used to provide assistance with this.

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.