| `Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2785  Responded to: 28 November 2024 |
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Your recent request for information is replicated below, together with our response.

**For each of the last four calendar years (2019, 2022, 2023, and 2024) could you please provide me with:**

**1. The number of individual arrests under sections 136 and 137 of the Mental Health Act;**

**2. The number of individual arrests of children, being under 18-years-old, under sections 136 and 137 of the Mental Health Act;**

**3. The number of individual instances when a police offer was physically harmed by someone whilst making an arrest or looking after someone under sections 136 and 137 of the Mental Health Act;**

You have since clarified:

## Please could I have the following four years: 2021,2022,2023 and 2024.

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. Section 136 of the Mental Health Act (which deals with removal of a person to a place of safety) does not extend to Scotland. Section 137 does extend to Scotland more generally but not in relation to section 136.

Individuals in Scotland 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. This gives Police Officers the power to remove someone to a place of safety as defined by the Act.

If it would be of some assistance, we may be able to provide statistics regarding the above mentioned. Please submit a new request if this is of interest to you.

**4. The number of individual instances of someone self-harming whilst in your custody; and**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

To explain, to use our search function there is no guarantee that we will be able to capture all relevant entries due to the possibility of keying errors etc at the time of incident, to ensure we provided an accurate figure would require a search of all custody records for relevance to your request which I estimate would cost well over the threshold set out within the act.

**5. The number of individual instances of someone ending their life whilst in your custody.**

You have since clarified

**All deaths in custody and then broken down into a suicide category as well.**

To be of assistance, you may find the [Death or Serious Injury in Police Custody National Guidance](https://www.scotland.police.uk/spa-media/hpsdce3p/death-or-serious-injury-in-police-custody-national-guidance.doc) helpful in relation to your request.

You will note ‘Police Custody’ is considered when a person is no longer free to go about their business and is under control of the police.

*Table 1: Total number of deaths within Police custody per calendar year*

|  |  |
| --- | --- |
| 2021 | 2 |
| 2022 | 2 |
| 2023 | 1 |
| 20241 | 4 |

1. 01/01/2024 to 01/11/2024 inclusive

Please note, no deaths documented were classed as suicide.

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.