| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0456  Responded to: 24th February 2023 |
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Your recent request for information is replicated below, together with our response.

## How many people have been arrested whilst in a mental health crisis or people with mental ill health – people who are taken into custody who are given a warning marker of “suicidal” or “attempted suicide” on their arrest record or have these markers on their crime record as recorded suspects, or already have these warning markers on their crime record at the time of arrest – I’d like the figures for 1st January to 31st December 2019, 1st January to 31st December 2020, 1st January to 31st December 2021, 1st January to 31st December 2022?

## Just to clarify, this is suicidal before police intervention, not a result of police intervention, but police intervention because of suicidal ideation, attempted suicide or mental health crisis. This data can include being arrested after being sectioned under the Mental Health Act.

## Following this – how many of these arrests resulted in charges? I’d like the figures from 1st January to 31st December 2019, 1st January to 31st December 2020, 1st January to 31st December 2021, 1st January to 31st December 2022?

In response to these questions, I must first of all advise you that 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.

In section 300 of the Act, a place of safety is defined as ‘a hospital, premises which are used to provide a care home service or any other suitable place (other than a police station) where the occupier is willing to temporarily receive a person with a mental disorder’.

Section 297(5) of the Act states that if no place of safety is immediately available, a constable may remove a person to a police station as a ‘place of safety’.

In practical terms a person would only be taken to a police station as an absolute last resort and in order to protect the safety of the individual and/or members of the public.

It is important to point out that 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.

It is Police Scotland policy to convey any person detained under the Mental Health (Scotland) Act to a medical facility to ensure that they receive the appropriate care, such persons would only be taken to police custody as a last resort or if after a medical assessment, the person was discharged and there were other offences committed which would be deemed appropriate for the person to be taken to police custody

The only possible way to establish whether the individual has a marker on their record in relation to mental health would be to individually examine the records of each individual who has been brought into Police Custody, as a place of safety, for the time period requested.

Similarly, if an individual has been brought into Police Custody as they have committed an offence, the only way to determine whether they suffered from mental ill health or had a mental health related marker on their record, would be to carry out case by case assessment of all records.

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, 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.

## How many officer hours at your force have been spent assisting people whilst in a mental health crisis or people with mental ill health? I’d like the figures for 1st January to 31st December 2019, 1st January to 31st December 2020, 1st January to 31st December 2021, 1st January to 31st December 2022?

In response to this part of your request, I would advise you that Police Scotland does not generally record the resource attributed to particular incidents, either in financial terms or otherwise.

The costs associated with, for example, a local divisional police officer who spends part of their shift assisting with a Mental Health related incident will never be captured as the nature of policing necessitates that officers are deployed to wherever their services are most required.

As such, in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

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.