| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-0908Responded to: xx April 2024 |
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Your recent request for information is replicated below, together with our response.

## 1. Can you please confirm how many accidents have involved electric scooters in the past 12 months in Scotland?

I can confirm that there have been 16 road traffic accidents recorded between 01/04/2023 and 31/03/2024 involving at least one electric scooter.

## 2. Can you please confirm how many accidents have involved E-bikes in the past 12 months in Scotland?

I must first advise you that electric or e-bikes are not a separate vehicle type within our Road Traffic Collision (RTC) database and are recorded in the same way as non-electric pedal cycles.

On that basis 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.

To clarify, the only way to provide an accurate response to your request would be to carry out an initial case by case assessment for the time period requested of almost 400 separate reports involving pedal cycles to establish whether an electric or e-bike was mentioned and how it related to the offence. Moreover any such exercise may not capture incidents where no injuries had been recorded - accordingly I estimate that to accurately respond to your request would exceed the cost limit set out in the Fees Regulations.

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.

## 3. Can you please confirm how many e-scooters Police Scotland has confiscated in the past 12 months?

## 4. Can you please confirm how many E-bikes Police Scotland has confiscated in the past 12 months?

For ease, Q3 and Q4 have been answered together;

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, the crime recording systems used by Police Scotland have no marker etc. to indicate whether an e-scooter or e-bike was involved in an offence, and there is no facility which allows for productions which have been seized to be searched by type, i.e. scooter/ e-scooter/ vehicle etc.

Crime or Fixed Penalty Notice classifications relate to all types of vehicles and any incidents could be reported under anti-social behaviour classifications - disturbance etc - as well as under road traffic matters.

The only way to provide an accurate response to your request would be to carry out case by case assessment of all potential road traffic offences, of which there would be thousands.

As such, this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

To illustrate, you can access our published crime statistics via the following link: [How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)​

**5. Is the illegal use of e-scooters another one of the crimes that Police Scotland is taking a proportionate approach to and not enforcing the law – given that people of all ages, from children to adults are seen daily riding them all over Scotland without any apparent fear of interference from the police?**

In this respect 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.

Whilst we accept that the effective and responsible use of resources is a matter of public interest, the overwhelming public interest lies in ensuring that the effectiveness of any measures utilised by Police Scotland to prevent and detect crime and keep people safe are not prejudiced.

Confirmation as to whether or not information was held would involuntarily disclose specific information which would potentially lead to covert vehicles being identified - thereby compromising their effectiveness entirely.

Section 2(1) & (2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

The exemptions that would apply if the information sought was held are as follows:

Section 35(1)(a)&(b) - Law enforcement

Information is exempt information if its disclosure under this Act would or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

Section 39(1) - Health, safety and the environment

Disclosure would increase the risk to the personal safety of police officers and members of the public as a result of covert vehicles being identified.

Public Interest

The key test when considering where the balance of public interest lies is to establish whether, in all the circumstances of the request, the public interest in confirming or denying the information is held is not outweighed by maintaining the exemption(s).

I can confirm that I have considered the public interest with regards disclosure of the information requested if it were held, and I am of the view that whilst I acknowledge that public accountability may favour disclosure, it is never in the public interest to disclose information that could influence the criminal justice process or alter offending behaviour.

It is important that the public are aware that the Police have this level of discretion to be able to deal with offences proportionately and without the need to 'criminalise' every offender. However, the release of this level of detail would provide an indication of the crimes and incidents which may be subject to this type of warning and lead individuals to perceive that it is ‘safer’ or ‘permissible’ to undertake a particular course of action without fear of prosecution.  This could lead to an increase in perceived low level crime, which is clearly not in the interests of crime prevention or the administration of justice.

In this case, and irrespective of what information is or isn’t held, to merely confirm or deny that information is held would provide information which would directly or inadvertently assist those intent on causing harm.

**No inference should be taken from this response as to whether the information you have requested does or does not exist.**

You may be interested to know that local Policing divisions across Scotland carry out operations in relation to electric scooters and related anti-social behaviour within communities.

Initiatives to tackle misuse are generally local ones in response to specific challenges and they are generally undertaken by divisional officers, supported by roads policing colleagues where appropriate.

In terms of how any illegal activity is dealt with, officers will use the range of options available to them under pre-existing Road Traffic legislation as there is currently no legislation specific to electric scooter use. As previously explained, this makes it difficult to provide any data on the prevalence of electric scooter incidents and/ or crimes reported to Police Scotland as we have neither an incident nor crime classification code that directly aligns.

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 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 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.