| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2225  Responded to: 21st September 2023 |
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## Your recent request for information is replicated below, together with our response.

**I wish to apply for information under the above legislation concerning girvan police station in South Ayrshire.**

**Concerned dates are 1st April 2022 to April ist 2023.**

**Number of arrests**

**Gender of those arrested**

**Age of those arrested**

**Type of offence.**

In 2018, the Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practical and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested *and* *not* cautioned and charged. They are ‘Officially Accused’ once arrested *and* cautioned and charged.

If conveyed to a police station, the arrested person (of either classification) will have their details recorded in the Police Scotland National Custody System.

The Act however also provides for certain situations whereby a person must be released from police custody prior to their arrival at a police station - effectively allowing the police to ‘de-arrest’ that person where the reasonable grounds for suspicion no longer exist.

In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensivearrest data as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System**.**

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.

For the reasons outlined above, Police Scotland instead, typically produce data based on recorded and detected crimes, broken down by Scottish Government Justice Department (SGJD) classification:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

## Number arrested resulting in overnight detention

## Custody centre arrested taken to.

We do not mark custodies as ‘overnight’ or otherwise, nor do we have a custody facility for Girvan specifically.

Please refer to Police Scotland’s [Care and Welfare of Persons in Police Custody Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/0mfjn3pa/care-and-welfare-of-persons-in-police-custody-sop.pdf) which lists the various custody centres in Scotland.

If you would like data on the number of individuals arrested and brought into custody in one of those custody centres, please let us know.

If you would specifically like data on ‘overnight’ custodies, please define what you mean by that, for example, custody started after 8pm one day until after 7am the following day etc.

Individuals can be in custody over midnight but for a short period of time, i.e. 11pm to 1am etc.

## Number and type of police vehicles based in Girvan

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

**Section 35 – 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. Disclosure of the branches each marked vehicle is attached to and details of our unmarked fleet would highlight vehicle resources and capabilities. Revealing this information would substantially weaken the effective use of vehicle resources with a corresponding risk to law enforcement and to the safety of both the public and officers.

This is a non-absolute exemption and requires the application of the public interest test.

**Section 39(1) – Health, safety and the environment**

The release of this information would circumvent the efficient and effective provision of law enforcement by the police service for the reasons described above. This would in turn increase the risk to the personal safety of individuals and to the safety of the police officers responding to incidents.

This is a non-absolute exemption and requires the application of the public interest test.

**Public Interest Test**

I recognise that public awareness would favour a disclosure as it would contribute to the public debate surrounding the overall nature of vehicle resources available for deployment by the Police. In addition accountability for the use of public funds is also a persuasive argument.

That said, I would contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public/officer safety.

Accordingly, I consider that the public interest in disclosing the information requested is outweighed by that in maintaining the exemption detailed above.

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.