| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2359  Responded to: xx November 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

I must first advise you that Recorded Police Warnings (RPWs) and Anti-Social Behaviour Fixed Penalty Notices (ASB FPNs) are just two of a range of disposal options available to Police Scotland, in relation to lower level offending.

These schemes are intended to have a positive impact on individuals by providing intervention mechanisms that are timely, justifiable and proportionate to the crime or incident under review.

## Under the Freedom of Information Act 2000 and Freedom of Information (Scotland) Act 2002, can your force reveal;

## 1 a. How many Recorded Police Warnings (RPWs) were issued in Scotland between 2013 and 2022?

Please accept my sincere apologies for the delay in responding.

I am afraid that the gathering of this data has proved to be extremely complex and despite every effort to accurately identify and/or collate all of the information requested from our internal systems, it has simply not been possible to provide a full response within the limitations of the Act.

I must first advise you that Recorded Police Warnings (RPWs) were introduced in Scotland in 2016. Accordingly Section 17 of the Freedom of Information (Scotland) Act 2002, information not held, applies to any earlier period.

Moving forward to the period between 2016 and April 2020, 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.

To explain, the data requested must be extracted from the Criminal History System (CHS) as it relates to disposals of offences through the use of direct measures (e.g. Recorded Police Warnings (RPWs) and Fixed Penalty Notices (FPNs)).

It is important to note that direct measures are automatically removed from CHS at the second anniversary of the disposal date as part of this process.

Despite every effort to identify an alternative data source, it has become apparent that it is not possible to easily and accurately gather in comparable data for a longer term time series comparison (prior to 1st April 2020) and is assessed as sufficiently complex to invoke the cost exemption set out at section 12 of the Act.

To be of some assistance, further information about the use of police direct measures can be sourced via official statistics for Criminal Proceedings in Scotland produced by Scottish Government:

(<https://www.gov.scot/collections/criminal-proceedings-in-scotland/>)

For the remaining period(s) the recorded statistics are as follows:

* In 2020/21 (to year end of Q4) there were 21,280 recorded police warnings
* In 2021/22 (to year end of Q4) there were 20,794 recorded police warnings

**1 b. If so can this figure be broken into divisional area?**

Table 1: Recorded Police warnings in each reporting period - by division

| **Division** | **2020/21** | **2021/22** |
| --- | --- | --- |
| A | 1,490 | 1,888 |
| C | 1,093 | 985 |
| D | 920 | 880 |
| E | 2,329 | 2,125 |
| G | 4,704 | 4,253 |
| J | 1,006 | 975 |
| K | 821 | 663 |
| L | 914 | 824 |
| N | 1,111 | 1,274 |
| P | 1,178 | 1,190 |
| Q | 3,865 | 3,528 |
| U | 1,246 | 1,280 |
| V | 603 | 929 |
| **Total** | **21,280** | **20,794** |

These data are extracted from Police Scotland internal systems which are dynamic and continuously updated

All data used in this report are provisional and are as at the end of Q4 in each period (1st April to 31st March based on the date of disposal).

**3. How many RPWs have been appealed?**

**4. How many of these appeals have been upheld?**

**5. How many of these appeals have been rejected?**

**6. How many of these rejected appeals resulted in a report being sent to the Procurator Fiscal?**

I have interpreted your request(s) for information to relate to all RPWs, broken by division as above.

Please note that the information available in each year is a reflection of a number of changes to the recording methodology across the period.

For ease of response, I have answered questions 3 – 6 together in the tables below:

Table 2: Recorded RPW appeals and outcomes in 2016

| **2016** | **Outcome of Appeal** | | |
| --- | --- | --- | --- |
| **Division** | **Declined & report submitted to the PF** | **RPW Accepted** | **Upheld** |
| A | 3 | - | 4 |
| C | 6 | - | 1 |
| D | 9 | - | 3 |
| E | 7 | - | - |
| G | 7 | 2 | - |
| J | 4 | - | 1 |
| K | 5 | - | 2 |
| L | 4 | - | - |
| N | 2 | - | - |
| P | 3 | - | 2 |
| Q | 10 | - | 1 |
| U | 5 | - | - |
| V | 1 | - | 1 |

Table 3: Recorded RPW appeals and outcomes in 2017

| **2017** | **Outcome of Appeal** | | |
| --- | --- | --- | --- |
| **Division** | **Declined & report submitted to the PF** | **RPW Accepted** | **Upheld** |
| A | 4 | - | 4 |
| C | 7 | 2 | 1 |
| D | 6 | - | 1 |
| E | 8 | 1 | 1 |
| G | 16 | - | 2 |
| J | 4 | - | 3 |
| K | 7 | - | 3 |
| L | 1 | - | 1 |
| N | 6 | - | 2 |
| P | 6 | - | - |
| Q | 4 | - | 4 |
| U | 3 | - | 1 |
| V | 4 | - | - |

Table 4: Recorded RPW appeals and outcomes in 2018

| **2018** | **Outcome of Appeal** | | | |
| --- | --- | --- | --- | --- |
| **Division** | **Declined and a report submitted to the PF** | **RPW Accepted** | **Unknown** | **Upheld** |
| A | 2 | - | - | 1 |
| C | 2 | - | - | - |
| D | 6 | - | - | 8 |
| E | 7 | - | - | - |
| G | 8 | - | - | 2 |
| J | 6 | - | - | - |
| K | 8 | - | 1 | - |
| L | 5 | - | - | 1 |
| N | 4 | 2 | - | 1 |
| P | 6 | 2 | - | 1 |
| Q | 8 | 1 | - | 2 |
| U | 4 | - | - | 1 |
| V | 4 | - | - | - |

Table 5: Recorded RPW appeals and outcomes in 2019:

| **2019** | **Outcome of Appeal** | | | |
| --- | --- | --- | --- | --- |
| **Division** | **Declined and a report submitted to the PF** | **RPW Accepted** | **Unknown** | **Upheld** |
| A | 3 | - | - | - |
| C | 7 | - | - | - |
| D | 7 | - | - | 4 |
| E | 14 | - | - | - |
| G | 19 | 1 | - | 2 |
| J | 7 | - | 1 | 3 |
| K | 4 | - | - | 1 |
| L | 7 | - | - | - |
| N | 6 | - | - | 2 |
| P | 7 | - | - | 1 |
| Q | 6 | - | - | 4 |
| U | 7 | - | - | - |
| V | 4 | - | - | - |

Table 6: Recorded RPW appeals and outcomes in 2020:

| **2020** | **Outcome of Appeal** | | | |
| --- | --- | --- | --- | --- |
| **Division** | **Declined and a report submitted to the PF** | **RPW Accepted** | **Unknown** | **Upheld** |
| A | 9 | - | 1 | - |
| C | 7 | - | - | 1 |
| D | 1 | - | - | 3 |
| E | 16 | - | - | 2 |
| G | 17 | - | - | 1 |
| J | 11 | 1 | 2 | 5 |
| K | 5 | - | 2 | - |
| L | 5 | - | - | - |
| N | 5 | - | - | 2 |
| P | 10 | 1 | - | 1 |
| Q | 20 | - | - | 5 |
| U | 6 | - | - | 2 |
| V | 3 | - | - | 2 |

Table 7: Recorded RPW appeals and outcomes in 2021:

| **2021** | **Outcome of Appeal** | |
| --- | --- | --- |
| **Division** | **Declined and a report submitted to the PF** | **Upheld** |
| A | 5 | 2 |
| C | 4 | 2 |
| D | 2 | 4 |
| E | 9 | 5 |
| G | 22 | 2 |
| J | 10 | 2 |
| K | 3 | - |
| L | 5 | - |
| N | 8 | 1 |
| P | 3 | 2 |
| Q | 20 | 2 |
| U | 6 | - |
| V | - | - |

Table 8: Recorded RPW appeals and outcomes in 2022:

|  |  |  |
| --- | --- | --- |
| **2022** | **Outcome of Appeal** | |
| **Division** | **Declined and a report submitted to the PF** | **Upheld** |
| A | 5 | 2 |
| C | 11 | - |
| D | 4 | 2 |
| E | 4 | 2 |
| G | 18 | 2 |
| J | 10 | 2 |
| K | 4 | 1 |
| L | 5 | - |
| N | 4 | 1 |
| P | 4 | - |
| Q | 10 | 1 |
| U | 6 | - |
| V | 2 | - |

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.