

Our Ref: IM-FOI-2022-1976  
Date: 07 October 2022



## FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

- 1. How many people has your force arrested under the Police, Crime, Courts and Sentencing Act 2022 between 9 September 2022 and 19 September 2022? Please include whether or not people were charged, broken down by age, race and gender.**
- 2. How many people has your force arrested under the Public Order Act 1986 between 9 September 2022 and 19 September 2022? Please include whether or not people were charged, broken down by age, race and gender.**
- 3. How many people has your force arrested under the Public Order Act 1936 between 9 September 2022 and 19 September 2022? Please include whether or not people were charged, broken down by age, race and gender.**
- 4. How many people has your force arrested under the Criminal Justice and Licensing (Scotland) Act 2010 between 9 September 2022 and 19 September 2022? Please include whether or not people were charged, broken down by age, race and gender.**

You should not that some of the legislation referred to in your request does not fully extend to Scotland - details can be found in the 'extent' sections of the various Acts.

Notwithstanding, in relation to *arrest* data generally, 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.

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As a result, we are unfortunately unable to collate comprehensive arrest data as case by case assessment of all officer notebooks would be required - in addition to the *partial* arrest 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.

If you would be interested in data regarding individuals arrested *and* brought into police custody then please let us know.

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](#)

We would also be able to produce recorded and/ or detected crime data for any period/ location you may be interested in.

**5. On Monday 12 September 2022 and Tuesday 13 September 2022, how many arrests were made in Ward 11 - City Centre, in Edinburgh? Please include whether or not people were charged, broken down by age, race, gender and offence type.**

In response to this question, I can advise you that arrest data was specifically recorded for the period/ location set out in your request.

There were 6 arrests, 4 males and 2 females aged between 27 and 36.

The race of these individuals has been recorded as, UK, White European, Afro Caribbean, White Scottish and White Other.

Please be advised that this information is correct as of 26 September 2022.

Should you require any further assistance please contact Information Management - Dundee at [foiundee@scotland.police.uk](mailto:foiundee@scotland.police.uk) quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.police.uk](mailto:foi@scotland.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

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You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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