| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1788  Responded to: 1st July 2025 |
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Your recent request for information is replicated below, together with our response.

**1. Summary or aggregated data  
If available, I would welcome any summary statistics, tables, or high-level data you may hold in relation to:**

* **The total number of arrests for stalking between 2018 and 2024;**
* **How many of these arrests resulted in no further action or release without charge;**
* **Any data or recorded concerns regarding individuals who were later identified as victims, particularly where misidentification may have occurred.**

In response to your request for data relating to arrests, 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 practicable, 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 will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ - 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 comprehensive arrest data, as a case-by-case assessment of all officer notebooks would be required - in addition to the partial arrest data held in the National Custody System.

Unfortunately, I regret to inform you that I estimate it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

For the reasons outlined above, Police Scotland do not collate data on arrests.

Instead, data is compiled and published based on ‘recorded’ and ‘detected’ crimes:

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

‘Detected’ crimes are those where an accused has been identified and there exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings.

I can also refer you to further crime data, broken down by Multi-Member Ward and month that you may find to be of interest:

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

**2. Internal guidance or materials  
I understand that intersectional data may not always be recorded systematically, but if there are any documents—such as equality impact assessments, safeguarding frameworks, or training content—that reflect awareness of intersectionality in decision-making, I would be grateful to receive them.**

**Could you please confirm whether Police Scotland holds any internal guidance, policies, reviews, or training materials relating to:**

* **Misidentification of victims in stalking or domestic abuse investigations;**

The information sought is not held by Police Scotland and section 17 of the Act applies.

By way of explanation, I can advise that there are no Standard Operating Procedures (SOPs), training materials etc. which relate specifically to the “misidentification of victims”.

However, to be of assistance, you may be interested in our: [Domestic Abuse Investigation SOP.](https://www.scotland.police.uk/spa-media/fuaflohy/domestic-abuse-investigation-sop.pdf)

* **Mistaken arrests involving individuals with protected characteristics under the Equality Act 2010 (e.g. disability, neurodivergence, gender, race, sexual orientation);**

There are no Standard Operating Procedures (SOPs), training materials etc. which relate specifically to “mistaken arrests” involving individuals with protected characteristics and section 17 of the Act therefore applies as the information sought is not held.

* **Operational handling of vulnerable or marginalised individuals, particularly where intersectional characteristics are a factor.**

This is covered under various SOPs including, but not exclusive to:

* Appropriate Adults SOP
* Adult Support and Protection SOP
* Care and Welfare of Persons in Police Custody SOP
* Criminal Investigation SOP
* Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP
* Mental Health and Place of Safety SOP
* Responding to Hate SOP

All of Police Scotland’s SOPs, along with Equality Impact Assessments, are accessible on our website: [Standard Operating Procedures - Police Scotland](https://www.scotland.police.uk/access-to-information/policies-and-procedures/standard-operating-procedures/)

As such, the information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.