

Our Ref: IM-FOI-2022-2375
Date: 01 December 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.

Under the FOI Act I would like to request the following information regarding alcohol-related arrests at or in the vicinity of Murrayfield stadium from the 2010/11 to 2020/21 rugby union season:

1) The total number of rugby union-related arrests at or in the vicinity of Murrayfield stadium from the 6th November 2010 to 5th November 2021 due to alcohol offences/driving under the influence of alcohol.

2) The number of rugby union-related arrests at or in the vicinity of Murrayfield stadium due to alcohol offences/driving under the influence of alcohol each season from 2010/11 to 2020/21.

Unfortunately, there are a number of reasons why we are unable to respond to your request in its current form.

Firstly, you have asked specifically about *arrest* data.

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.

Further to that, you have also specified that the data should relate to *rugby union-related* matters and I'm afraid that we do not classify any of our data (arrests/ incidents/ crimes etc) in those terms.

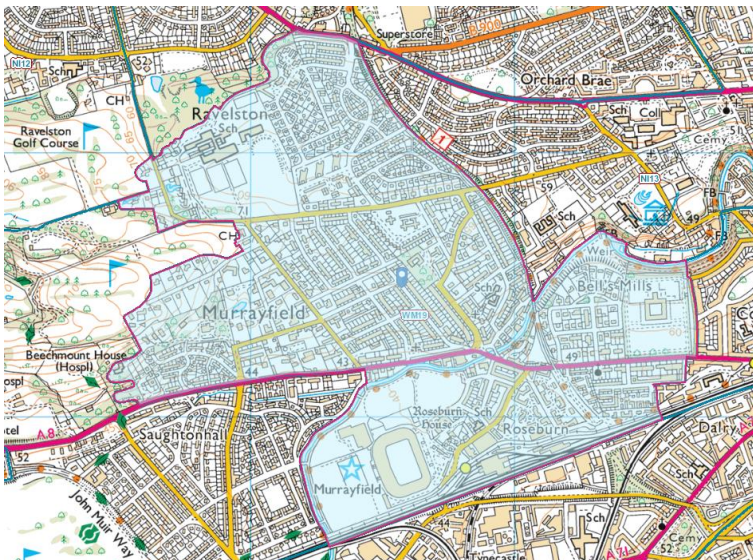
I would suggest the following is the closest data set we can provide, if it would be of interest.

Police Scotland can provide recorded and detected crime data for any of the offences listed in the following:

[Recorded crime in Scotland: classification of crimes and offences - gov.scot \(www.gov.scot\)](http://www.gov.scot/Recorded-crime-in-Scotland-classification-of-crimes-and-offences)

I would direct your attention in particular to the group 6 offences that start with the references 600... and 610... and the group 7 offences that start 301...

We cannot base searches on *in the vicinity of* and I would suggest instead that you focus any search on the WM19 beat area of Edinburgh - shown as follows:



We can provide you with the dates any offences were recorded - that would allow you to determine whether or not they took place in the rugby season and/ or whether there was a match or other event at Murrayfield at the time.

We cannot however, categorise offences as rugby related or otherwise.

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Should you require any further assistance please contact Information Management 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 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. You can apply [online](#), by email to 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.