| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1333  Responded to: 9th June 2023 |
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Your recent request for information is replicated below, together with our response.

## For the years i) 2018, ii) 2019, iii) 2020, iv) 2021, and v) 2022, of those arrested and brought into police custody but later released without charge for a) the common law offence of breach of the peace, and b) crimes of disorderly conduct under Section 38(1) of the Criminal Justice and Licensing (Scotland) Act 2010, please tell me:

## What the A) average and B) longest time was for a person to be held in custody before being released.

In response to your request, please see the table below.

Please note that for Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010, each individual has been held for over 12 hours and this is due to the individual having to spend time out of the police cell and within a hospital.

| **Year** | **Avg. time spent in custody** | **Longest time spent in custody** |
| --- | --- | --- |
| **Breach of the Peace** | | |
| 2018 | 2hrs 37mins | 6hrs 37mins |
| 2019 | 3hrs 25mins | 12hrs 18mins |
| 2020 | 2hrs 43mins | 7hrs 36mins |
| 2021 | 1hr 46mins | 3hrs 38mins |
| 2022 | 2hrs 16mins | 5hrs 56mins |
| **S.38 Criminal Justice and Licensing (Scotland) Act 2010** | | |
| 2018 | 2hrs 39mins | 38hrs 40mins |
| 2019 | 2hrs 35mins | 54hrs 49mins |
| 2020 | 2hrs 22mins | 28hrs 59mins |
| 2021 | 2hrs 21mins | 34hrs 13mins |
| 2022 | 2hrs 13mins | 26hrs 28mins |

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.