| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0846  Responded to: 21 April 2023 |
| --- | --- |

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

Please note that Police Scotland formed on 1 April 2023, encompassing the whole of Scotland and the eight former police forces along with the SCDEA.

In terms of your request, ‘Lothian and Borders Police area’ has been interpreted as what is now the [Lothians and Scottish Borders](https://www.scotland.police.uk/your-community/the-lothians-and-scottish-borders/) division of Police Scotland (J Division).

## The number of reported crimes in the Lothian and Borders Police area for each year between 2018 and 2022, broken down by type of crime (e.g. theft, assault, burglary, drug offences, etc.).

Please be advised that crime statistics by division are publicly available:

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

As such, in terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland to provide you with a notice which:

(a) states that it holds the information,   
(b) states that it is claiming an exemption,   
(c) specifies the exemption in question and   
(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and section 25(1) of the Act - information otherwise accessible - is applicable:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

## The number of arrests made by Lothian and Borders Police for each year between 2018 and 2022, broken down by type of offence.

I can advise you that 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, 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.

As a result, we are unfortunately unable to collate comprehensivearrest data as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System**.**

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. Please see the link referred to in question 1.

## The number of complaints lodged against Lothian and Borders Police officers for each year between 2018 and 2022, broken down by type of complaint (e.g. excessive force, discriminatory behavior, unprofessional conduct, etc.).

The tables below detail complaints and allegations linked to Police officers (including Special Constables) from Lothian and Borders Division received 01/01/2018 - 31/12/2022 inclusive.

Please note that each complaint may involve allegation multiple allegations, therefore the number of complaints may vary from the number of allegations.

Furthermore, as you have requested information linked to officers from Lothian and Borders Division, the data provided does not include any complaints which involve Quality of Service allegations only.

These types of allegation are recorded against the organisation and not against individual officers. Moreover, any allegations linked to Police staff - unless also linked to a Police officer - are excluded from the figures provided.

**Complaints and allegations linked to Police officers from Lothian and Borders Division, by Year received**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Category** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Number of complaint cases | 376 | 353 | 375 | 299 | 293 |
| Number of linked allegations | 599 | 596 | 632 | 548 | 418 |

**Allegations linked to Police officers from Lothian and Borders Division, by Type and Year received**

| **Allegation Type** | **2018** | **2019** | **2020** | **2021** | **2022** |
| --- | --- | --- | --- | --- | --- |
| Assault | 11 | 19 | 21 | 33 | 27 |
| Corrupt Practice | 1 | 1 | 3 | 0 | 0 |
| Crimes of Dishonesty | 1 | 0 | 0 | 0 | 0 |
| Crimes of Indecency | 1 | 0 | 1 | 0 | 0 |
| Discriminatory Behaviour | 3 | 6 | 10 | 3 | 5 |
| Excessive Force | 38 | 36 | 41 | 57 | 25 |
| Incivility | 109 | 121 | 131 | 114 | 126 |
| Irregularity in Procedure | 351 | 352 | 358 | 274 | 204 |
| Neglect of Duty | 8 | 3 | 2 | 7 | 3 |
| Oppressive Conduct/Harassment | 26 | 16 | 15 | 24 | 5 |
| Other | 1 | 0 | 1 | 3 | 0 |
| Other - Criminal | 7 | 10 | 8 | 4 | 0 |
| Other - Non Criminal | 27 | 16 | 28 | 14 | 5 |
| Traffic Irregularity/Offence | 10 | 9 | 6 | 11 | 16 |
| Unlawful/ Unnecessary Arrest or Detention | 5 | 7 | 7 | 4 | 2 |
| Grand Total | 599 | 596 | 632 | 548 | 418 |

**The budget allocation for Lothian and Borders Police for each year between 2018 and 2022, broken down by category (e.g. salaries, equipment, training, etc.).**

|  | **2018** | **2019** | **2020** | **2021** | **2022** |
| --- | --- | --- | --- | --- | --- |
| Police Officer Costs | 37,265,610 | 38,365,415 | 39,633,440 | 38,831,061 | 37,768,111 |
| Police Staff Costs | 1,872,536 | 1,894,433 | 1,968,658 | 2,059,066 | 2,115,327 |
| Other Employee Costs | 8,800 | 8,225 | 8,230 | 5,500 | 3,340 |
| Premises Costs | 1,600 | 0 | 0 | 0 | 0 |
| Transport Related Costs | 741,300 | 560,983 | 557,630 | 543,650 | 431,530 |
| Supplies & Services | 381,020 | 365,122 | 376,990 | 396,860 | 386,180 |
| ICT Costs | 700 | 0 | 0 | 1,620 | 400 |
| Admin Costs | 67,900 | 36,352 | 33,530 | 31,820 | 29,090 |
| Third Party Payments | 170,600 | 143,767 | 139,760 | 179,140 | 156,070 |
| Government Grant Funding | -1,077,300 | -832,790 | -1052,090 | -1574,530 | -1574,530 |
| Fees & Charges | -42,500 | -46,001 | -89,570 | -105,210 | -139,360 |
| Other Income | 0 | 0 | 0 | 0 | -25,000 |
| Total | 39,390,266 | 40,495,507 | 41,576,578 | 40,368,977 | 39,151,158 |

**The number of officers currently employed by Lothian and Borders Police, broken down by rank and gender.**

The following shows the headcount of officers who are based in Lothian and Borders Division, but not those aligned to any national divisions that maybe stationed within Lothian and Borders Division.

|  | **Male** | **Female** | **Total** |
| --- | --- | --- | --- |
| Chief Superintendent | 1 | 1 | 2 |
| Superintendent | 7 | 1 | 8 |
| Chief Inspector | 9 | 3 | 12 |
| Detective Chief Inspector | 6 | 0 | 6 |
| Inspector | 41 | 8 | 49 |
| Detective Inspector | 11 | 6 | 17 |
| Sergeant | 128 | 40 | 168 |
| Detective Sergeant | 43 | 20 | 63 |
| Police Constable | 891 | 497 | 1388 |
| Detective Constable | 145 | 139 | 284 |
| Totals | 1282 | 715 | 1997 |

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.