| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1494  Responded to: 10th June 2025 |
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Your recent request for information is replicated below, together with our response.

## 1. Do Police Scotland record ethnicity and nationality according to crime, and specifically crimes related to sexual violence?

Police Scotland introduced a new, national crime recording system in January 2024; this system has fields to record the ethnicity and the nationality of a suspect/ accused individual, which extends to *all* crime types – i.e. sexual violence.

## 2. Do Police Scotland record immigration or asylum status according to crime, and specifically crimes related to sexual violence?

There are no fields within our system to specifically record an individual's immigration or asylum status. However, where relevant, it could be recorded in the body of the crime report as this contains free text.

## 3. I request data on arrests of non-UK nationals for sexual crimes (rape and sexual assault predominantly) in Scotland from 2022 to 2025, broken down by nationality and offence type.

## 5. I request data on arrests of non-UK nationals for violent crimes in Scotland from 2022 to 2025, broken down by nationality and offence type.

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 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.

Accordingly, 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 does *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/)).

In this instance, ‘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.

## 4. I request data on convictions of non-UK nationals for sexual crimes (rape & sexual assault presominantly) in Scotland from 2022 to 2025, broken down by nationality and offence type.

## 6. I request data on convictions of non-UK nationals for violent crimes in Scotland from 2022 to 2025, broken down by nationality and offence type.

Police Scotland does *not* hold criminal conviction/ prosecution data and section 17 of the Act therefore applies. To be of assistance, however, I can advise that you may wish to contact the Crown Office and Procurator Fiscal Service (COPFS) and/ or the Scottish Courts Service.

## 7. I request data on specific offences by non-UK nationals in Scotland from 2022 to 2025, broken down by nationality and offence type.

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

By way of explanation, I can advise that we are unable to automatically extract data based on the nationality of accused individuals linked to crime reports. The only way to provide an accurate response would be to conduct a manual review of all crime reports individually to note any pertinent information; given the volume of reports that would be required to be read through for the period specified in your request, this exercise would far exceed the cost limit set out in the Fees Regulations.

To clarify, although consistent recording fields for such data were introduced in January 2024 across Scotland, these are *not* mandatory. Experience has shown that in more than 50% of crime reports, those fields remain blank, meaning we could *not* provide meaningful data even for that more recent period specified.

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.