

Our Ref.: IM-FOI-2022-2165
Date: 3rd November 2022



Freedom of Information Request - Response

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

I'm looking to find out more about the number of children arrested for drug offences over the last five years in Inverclyde.

As such, I'd like as full disclosure as possible in relation to the following:

- 1. How many people have been arrested for drug offences in Inverclyde since the beginning of 2017?**
- 2. How many children (people aged under 16) have been arrested for drug offences in Inverclyde since the beginning of 2017?**
- 3. For child, please provide me with their age, the type of offence they were arrested for and the type of drug the offence related to (e.g. cannabis)**
- 4. Please also provide me with copies of the police reports relating to each arrest (with information redacted where necessary to remain GDPR compliant) or as many details about each case as is possible to provide within the cost and time limits of the FOI act.**
- 5. For each case please indicate whether the child was charged and what they were charged with.**

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 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.

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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.

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:

[How we are performing - Police Scotland](#)

To be of some assistance, we have considered whether we could base your request on detected crime reports however, the crime recording systems used by Police Scotland have no facility whereby the age of the accused can be easily extracted, nor searched upon.

Case by case assessment of all drug related crimes would have to be carried out to ascertain the age of the Accused and determine whether it was relevant to your request.

From the first quarter of the 2022/23 period alone, there were 133 detected possession offences in Inverclyde. As such, carrying out this exercise is one which I estimate would far exceed the £600 cost limit and Section 12(1) of the Act would still apply.

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](#) 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](#), by [email](#) 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](#) in seven days' time.