| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2495  Responded to: 20 October 2023 |
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Your recent request for information is replicated below, together with our response.

## The Police Scotland Standard Operating Procedure in relation to the Criminal Justice (Scotland) Act 2016 (arrest process) states the following:

## “The Act provides for certain situations whereby a person must be released from police custody prior to their arrival at a police station. This effectively allows the police to ‘de-arrest’ that person where the reasonable grounds for suspicion no longer exist. The details of the person should be recorded in the arresting officer’s notebook, a supervisor informed and if a STORM incident has already been created, details should also be recorded here.” (4.4.1; my emphasis.)

## Therefore, in line with Freedom of Information legislation, I would be grateful if you could provide the following information:

## Of the total number of incidents recorded in STORM in a) 2020/21, b) 2021/22, and c) 2022/23, how many involved a suspect being arrested.

## Of the above, how many involved that suspect being de-arrested prior to their arrival at a police station, for each year.

## I would also like to request the same information as above broken down by policing division for each year.

Having considered your request in terms of the Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

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.

By way of explanation, whilst the details would be recorded on STORM, there is no marker/ specific searchable field etc. Therefore, all STORM incidents, tens of thousands at least, would have to be individually reviewed for relevance. Given the volume this is an exercise which would far exceed the cost limit set out in the Fees Regulations.

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.