

Our Ref: IM-FOI-2022-2027
Date: 24 October 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

- 1. A breakdown of the number of arrests in Scotland that would fall under football related disorder, over the past ten seasons. (starting with season 2012-2013)**
- 2. A breakdown of what those arrests were for, i.e. the use of pyrotechnics, public disorder etc.**
- 3. A breakdown of the stadiums where the arrests were made.**

For ease, questions 1, 2 & 3 have been answered together.

It should first be noted that Police Scotland do not hold statistics on 'arrests' in general.

To explain, Police in Scotland have the power to arrest an individual where there is sufficient evidence to support a charge against them - either for a common law offence or for a statutory offence where the statute empowers the police to arrest any person contravening its provisions. There are no mandatory recording processes in relation to arrests as not all offenders are routinely arrested when they commit offences and some may be subject of a report to the Procurator Fiscal without ever having been arrested.

Turning to the crime recording systems used by Police Scotland, I can further advise you that **crimes**, such as disorder offences are recorded using the Scottish Government Justice Department crime classification codes. These have no facility whereby details of a disorder offence (for example, whether they are 'football related') can be easily extracted and there are no markers available which allow for the automatic retrieval of this level of information.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

4. The number of football banning orders issued across the same timescale.

I must first clarify that the attached table provides the number of cases, correct as at 30/09/2022, where a Football Banning Order (FBO) could have been *issued* as opposed to *sought*.

To explain, there have been occasions where Sheriffs have granted FBO's where an FBO has not been "sought" or mentioned as a consideration by the reporting officer.

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Furthermore, the FBO authority relies on Procurator Fiscal returns as well as match reports sent by Police Scotland to identify such cases where an FBO may be a disposal. However, it cannot be guaranteed that all such cases have been identified.

Please note that due to the court process, cases can be issued up to two years after the offence, and therefore there may be some cases still to be completed by the Procurator Fiscal.

On that basis the requested information is attached – document 22-2027 *Data* refers.

Finally, please note that any statistics collated prior to season 2012-2013 are incomplete as specific processes were not in place at that time and therefore would not provide an accurate picture of the number of FBOs issued.

As such, I am unable to provide this information to you 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.

Therefore, 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.

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.