

OFFICIAL

Our Ref: IM-FOI-2022-0504
Date: 01 April 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.

Please supply the memorie for officers on powers of arresst.

Following clarification with you, you were asked:

Are you referring to the aide memoire from the Criminal Justice (Scotland) Act 2016 which officers state when someone is under arrest?

To which you replied: Yes

When a person has been arrested under Criminal Justice (Scotland) Act 2016, the following statement, contained in the police issue notebook, should be read as soon as reasonably practical.

“I am arresting you under Section 1 of the Criminal Justice (Scotland) Act 2016 for (general nature of offence). The reason for the arrest is that I suspect you have committed an offence and I believe that keeping you in custody is necessary and proportionate for the purpose of bringing you before a court or otherwise dealing with you in accordance with the law.

Do you understand?

(At this point the reply would be noted)

You are not obliged to say anything but anything you do say will be noted and may be used in evidence.

Do you understand?

(At this point the reply would be noted)

I do require you to give me your name, date of birth, place of birth, nationality and address.

You have the right to have a Solicitor informed of your arrest and to have access to a solicitor. These rights will be explained to you further on arrival at the Police Station.”

OFFICIAL

OFFICIAL

Should you require any further assistance please contact Information Management quoting the reference number given.

If you 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.