

Our Ref: IM-FOI-2022-1551  
Date: 09 August 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.

**I write under the terms of the Freedom of Information Act to request the number of under 16's who were arrested for drug offences (including possession and intent to supply) between 2014 and June 2022.**

**As part of this request, I would like the information to be broken down into the following;**

- i) The number of under 16's arrested for drug offences, broken down into years (e.g. 2014, 2015, 2016 etc) and a grand total;**
- ii) The number of under 16's arrested for drug offences, broken down into offence type (e.g. possession, intent to supply);**
- iii) Out of the grand total, how many under 16's were arrested for possession and supply of Class A substances, and how many under 16's were arrested for supply of Class A substances**
- iv) Out of the grand total, how many under 16's were arrested for possession and supply of Class C substances, and how many under 16's were arrested for supply of Class C substances;**
- v) The youngest under 16 to be arrested for drug possession, and the youngest under 16 to be arrested for supplying;**

**I would also like data on how many under 16's were arrested for possession and supply of Class B substances, and how many under 16's were arrested for supply of Class B substances within said time frame.**

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.

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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, offences in Scotland are recorded as being recorded/detected rather than by arrests. Police Officers 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 is however no mandatory recording process 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. Therefore with regard to arrests, each and every police notebook and custody record for the time period would have to be examined to establish the specifics of your request.

With regard to crimes, the only way to provide an accurate response to your request would be to examine each and every Misuse of Drugs offence recorded since 2014 to establish the age of the accused and drugs involved.

To illustrate, the most recent published figures show that for the 2021/22 year alone, there were 23,747 recorded crimes of Possession of Drugs and 3,876 of Supply of Drugs. Unfortunately, whilst information regarding the type of drug and date of birth of the accused is recorded in each case, the only way to access this data is via each individual crime report. As such this is an exercise which would far exceed the cost limit set out in the Fees Regulations.

You can access our publish crime statistics via: [How we are performing - Police Scotland](#)

Should you require any further assistance please contact Information Management - Dundee at [foidundee@scotland.police.uk](mailto:foidundee@scotland.police.uk) 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](mailto: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](mailto: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.

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