| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-1986Responded to: 18th July 2025 |
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Your recent request for information is replicated below, together with our response.

## How many men in Scotland were arrested for Domestic Abuse offences or offences with a Domestic Abuse aggravator, while serving a community sentence imposed for a Domestic Abuse offence or offence with a Domestic Abuse aggravator? Please provide data from 2019 - 2025 and breakdown the stats by year and local authority area.

In response to your request for arrest data, 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 practicable, 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 will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ - 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.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

For the reasons outlined above, Police Scotland do not collate data on arrests. Instead, data is compiled and published based on recorded and detected crimes:

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

In this case, ‘detected’ crimes are those where an accused has been identified and there exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings.

Furthermore, it is important to note that we have also considered your request in terms of recorded and detected crime data, however, unfortunately our response would still be a refusal in terms of section 12(1).

By way of explanation, information relating to sentencings/ convictions are held by the Crown Office and Procurator Fiscal Service (COPFS). Therefore, the only way to provide an accurate response to your request would be to manually review each crime report of domestic abuse from January 1st, 2019, onwards to ascertain whether it is mentioned that the Accused was already serving a community sentence for previous domestic abuse offences at the time.

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](https://www.foi.scot/appeal), 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](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.