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| Police Scotland logo  Police Scotland logo | **Freedom of Information Response**  **Our reference:** FOI 24-1176  **Responded to:** xx June 2024 |

Your recent request for information is replicated below, together with our response.

# I refer to the first part of your request for information which has not been repeated here due to the fact that it names specific individuals.

I am refusing to confirm or deny whether the personal information sought exists or is held by Police Scotland in terms of section 18 of the Act. Section 18 applies where the following two conditions are met:

* It would be contrary to the public interest to reveal whether the information is held.

Whilst we accept that you may have a particular personal interest in being informed as to whether the information sought is held, the overwhelming public interest lies in

protecting individuals’ right to privacy and their expectation of confidence as regards their information.

* The public interest overwhelmingly lies in protecting your right to privacy and an individual’s own personal information is exempt from disclosure in terms of the exemption at section 38(1)(a).

To be of assistance, your request has been directed to our Data Protection team who will contact you separately in relation to your SAR.

# The number of ‘unlawful arrests’ committed by Police Scotland since 2013 by year?

Please note that data is only available from 01/04/2014 when the national Professional Standards database became operational.

Data has been provided below which provides the number of allegations categorised as ‘Unlawful/Unnecessary Arrest or Detention’, attached to complaints received between 01/04/2014 and 31/03/2024 inclusive. This data is broken down by financial year.

As per section C of the [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) these allegations are defined as follows:

*This category includes two distinct types of allegations.*

*Firstly unlawful arrest or detention is where there is an allegation that an officer did not have power to arrest or detain an individual because there was no provision for the arrest or detention under common law or within statute. It should be noted that there is no criminal offence of unlawful arrest contained in common law or statute.*

*Secondly there is unnecessary arrest or detention where there are relevant powers but the complainer believes that an officer should not have arrested them, on the grounds of necessity or proportionality.*

Please note that allegations received may or may not be substantiated following enquiry/investigation. Therefore, allegations received would not necessarily be considered as having been “committed” by subject officers.

## Table 1:

*Allegations of Unlawful/Unnecessary Arrest or Detention attached to complaints received, by financial year 1*

|  |  |
| --- | --- |
| **Period** | **No. of allegations** |
| 2014/15 | 204 |
| 2015/16 | 189 |
| 2016/17 | 181 |
| 2017/18 | 145 |
| 2018/19 | 117 |
| 2019/20 | 101 |
| 2020/21 | 96 |
| 2021/22 | 98 |
| 2022/23 | 105 |

|  |  |
| --- | --- |
| **Period** | **No. of allegations** |
| 2023/24 | 101 |

1 . Data is based on the case received date.

# The number of complaints against Police Scotland for false arrests since 2013 by year?

No allegation category on the Professional Standards database corresponds to ‘false arrests’, therefore data is not held in relation to this specific question. On that basis section 17 of the Act applies and I can confirm that the information sought is not held by Police Scotland.

# List of lawsuits against Police Scotland since 2013 pertaining to unlawful arrests.

1. **The amount of UK tax pounds that was spent on compensation due to unlawful arrests.**

In terms of questions 3 and 4 of the request, please see the table below:

## Table 2:

*Number of claims and compensation paid, by calendar year:*

|  |  |  |
| --- | --- | --- |
| **Year** | **Total unlawful arrest claims** | **Total paid in compensation** |
| 2013 | 5 | No information available\* |
| 2014 | 9 | No information available\* |
| 2015 | 7 | Nil |
| 2016 | 11 | £2,500 |
| 2017 | 12 | £275,000 |
| 2018 | 5 | £1,425 |

|  |  |  |
| --- | --- | --- |
| **Year** | **Total unlawful arrest claims** | **Total paid in compensation** |
| 2019 | 8 | £19,494 |
| 2020 | 5 | £32,500 |
| 2021 | 3 | Nil |
| 2022 | 2 | Nil |
| 2023 | 12 | £2,450 |
| 2024 | 7 | £850 |

\* In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

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.