| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-3203  Responded to: 01 October 2025 |
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Your recent request for information is replicated below, together with our response

## In Edinburgh:

## How many a) fines have taken place in each of the last ten years for the offence of being drunk and incapable in a public place.

## How many of these cases each year were registered with a court for late payment of a fine.

Due to record retention policies, Fixed Penalty Notice data for the years prior to 2022 is no longer held by Police Scotland and section 17 of the Act therefore applies.

The table below details FPNs issued for the offence ‘drunk and incapable’ for the period 1st January 2022 – 30th September 2025 in the Edinburgh and Lothians area.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **FPNs issued** | **Paid** | **Fine registered** | **Not yet paid** |
| 2022 | 6 | 1 | 5 | 0 |
| 2023 | 5 | 3 | 2 | 0 |
| 2024 | 10 | 4 | 6 | 0 |
| 2025 | 7 | 4 | 2 | 1 |

Please note the following definitions used in the table:

Paid - Those tickets paid within the first 28 days

Fine Registered - Those tickets not paid within first 28 days

Not yet paid – 28 day payment period not yet expired

## How many b) arrests have taken place in each of the last ten years for the offence of being drunk and incapable in a public place.

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 comprehensivearrest data, as case by case assessment of all officer notebooks would be required - in addition to the partialarrest 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/).

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.