| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1334  Responded to: 08 June 2023 |
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Your recent request for information is replicated below, together with our response.

## How many people have been arrested and brought into police custody for a) the common law offence of breach of the peace and b) crimes of disorderly conduct under Section 38(1) of the *Criminal Justice and Licensing (Scotland) Act 2010,* in a) 2018, b) 2019, c) 2020, d) 2021, and e) 2022;

## Of those brought into police custody for a) the common law offence of breach of the peace and b) crimes of disorderly conduct under Section 38(1) of the *Criminal Justice and Licensing (Scotland) Act 2010,* in a) 2018, b) 2019, c) 2020, d) 2021, and e) 2022, how many were subsequently released without charge

In response, please see the following:

| **Breach of the Peace** | **Arrests** | **Not officially Accused** | **Released without charge** |
| --- | --- | --- | --- |
| 2018 | 1899 | 302 | 58 |
| 2019 | 2096 | 343 | 46 |
| 2020 | 1345 | 239 | 24 |
| 2021 | 992 | 186 | 18 |
| 2022 | 901 | 176 | 18 |

| **Criminal Justice & Licensing Sec 38(1)** | **Arrests** | **Not officially Accused** | **Released without charge** |
| --- | --- | --- | --- |
| 2018 | 22837 | 9089 | 2985 |
| 2019 | 26581 | 9700 | 2959 |
| 2020 | 26050 | 9133 | 2593 |
| 2021 | 24139 | 8364 | 2232 |
| 2022 | 22812 | 7985 | 2296 |

Please be advised that only Not Officially Accused can be released without charge.

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 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.