| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-3015  Responded to: 25 November 2024 |
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## Your recent request for information is replicated below, together with our response.

## I am writing to request information under the Freedom of Information Act 2000 regarding motorists who have been arrested over the festive period during the past five years (2019 to 2023). Specifically, I am requesting the following information

## The total number of motorists arrested on:

## Christmas Eve

## Christmas Day

## Boxing Day

## New Year’s Eve

## New Year’s Day

## Details of Arrests

## The offences for which they were arrested, including but not limited to:

## Speeding

## Drink driving

## Drug driving

## Dangerous or reckless driving

## Other motoring offences

## Severity of the Incidents

## The context or severity of each incident, such as:

## Whether the driver was pulled over or involved in an accident

## What the driver was driving or riding

## If there were any fatalities or injuries, and the severity of these outcomes

## 

## 

## Demographic Information

## The age and gender of:

## The perpetrators (arrested motorists)

## Any victims involved (where applicable)

## Incident Summaries

## If feasible, I would like to request a brief description of the incidents.

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/).

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.

To be of assistance if you would like incident data or recorded and detected data for speeding offences around the festive period for the time frame indicated then this could be provided.

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.