| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1912  Responded to: 18th August 2023 |
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Your recent request for information is replicated below, together with our response.

## Can I request further information on the following statement, which is taken from 'Criminal proceedings in Scotland, 2020-21' (page 56).

## 'In 2020-21, 5,167 people received an ASBFPN as a main penalty, a decrease of 27% from 7,043 in 2019-20. In previous years levels decreased year on year following a period of relative stability between 2011-12 and

## 2013-14 (around 55,000 ASBFPNs per annum). Some of the decline may be due to Police Scotland issuing revised guidance around the use of ASBFPNs, and there may be also some displacement by the use of Recorded Police Warnings.'

## Could you please provide details of what the revised guidance on the use of ASBFPNs entailed and/or a copy of the guidance, and when this was issued.

Given the subject matter/ dates, we believe that the guidance you are referring to is Police Scotland’s Anti-Social Behaviour Standard Operating Procedure (SOP) and Direct Measures SOP.

Please be advised that these SOPs are publicly available on the Police Scotland website.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available via the following links:

[Anti-Social Behaviour SOP](https://www.scotland.police.uk/spa-media/3pul1gjf/antisocial-behaviour-sop-v9.pdf)

[Direct Measures SOP](https://www.scotland.police.uk/spa-media/1yyffcgw/direct-measures-sop.pdf)

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.