| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1023  Responded to: 18 April 2024 |
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## Your recent request for information is replicated below, together with our response.

**I ask the following under the Freedom of Information Act 2000.**

**1. How many arrests have been made by Police Scotland for people in possession of/using medical cannabis in the past 12 months?**

**2. Have officers from Police Scotland undergone training around medical cannabis and the law?**

**3. Are there plans for such training to take place?**

Police Scotland has provided internal briefings to officers in relation to a person's possession of Cannabis based products for medicinal use (CBPMs). This has included detail on that person's right to do so once lawful authority is established. Police Scotland engages with Scottish Government, Public Health and the Sapphire Clinic on this subject to ensure all current detail is known and shared.

Officers will conduct enquiries to prove that a prescription is in place for the Cannabis Based Product in a person's possession. Persons who have possession of cannabis for medicinal use should produce relevant supporting documentation that it is legitimately prescribed to them.

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.

If you would be interested in data regarding only those individuals arrested *and brought into police custody,* we may be able to provide some data.

For the reasons outlined above, Police Scotland do not routinely or otherwise 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.