| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2366  Responded to: 10 October 2024 |
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Your recent request for information is replicated below, together with our response.

## I request the following information under the Freedom of Information Act (2000). The request relates to the Stalking Protection Act (2019) and is for an updated version of a request I sent in February.

## Please can you answer the following questions for 2024 only and let me know the latest date the data covers:

## How many Stalking Prevention Orders were issued?

## I would appreciate if you could group the SPOs issued by the age groups <18, 18-64, and >64.

## How many breaches of Stalking Prevention Orders were recorded?

The information sought is not held by Police Scotland and section 17 of the Act therefore applies.

By way of explanation, there is not a Scottish equivalent of a Stalking Protection Order. Stalking is dealt with under section 39 of the Criminal Justice Scotland Act 2010 or under the Domestic Abuse Scotland Act.

## How many arrests were made under suspicion of stalking?

In 2018, 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 practical, 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 (of either classification) will have their details recorded in the Police Scotland National Custody System.

The Act however also provides for certain situations whereby a person must be released from police custody prior to their arrival at a police station - effectively allowing the police to ‘de-arrest’ that person 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**.**

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request. As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

Even if we were to focus your request on custody statistics and/ or crime statistics, there are no markers etc. on Police Scotland systems which would indicate that an arrest or crime report was connected to stalking and as such, case by case assessment would be required.

## How many reports of stalking were recorded?

A search of our recording systems was conducted. From this I can confirm that there have been 711 recorded stalking offences and 571 detected stalking offences for the period, 1st January to 30th September 2024 (inclusive).

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.