| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-3092  Responded to: 21 December 2023 |
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Your recent request for information is replicated below, together with our response.

## - How many traffic collisions has there been where nitrous oxide has been involved per year? Please provide data for each year: 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023. Please provide as much data for 2023 as possible closest to the current day.

## - How many of those traffic collisions involving nitrous oxide have resulted in one or more fatalities? Please specify how many for each incident.

In response to this question, I can advise you that the closest contributory factor with regard to Road Traffic Collisions (RTC) would be ‘impaired by drugs (illicit/medicinal) and that for the 8 year period covered by your request, this would require several hundred RTC reports and associated records to be examined to establish whether nitrous oxide was a factor.

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.

## - How many arrests have been recorded for the illegal sale of nitrous oxide from the start of 2016 to the 8th of November 2023?

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.

For the reasons outlined above, Police Scotland instead, typically produce data based on recorded and detected crimes, broken down by Scottish Government Justice Department (SGJD) classification:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

I can also advise you that your request has been considered in terms of whether we could provide detected crimes, however given that offences under Misuse of Drugs Act are not sub-classified into drug type or class it would not be feasible to provide the data within cost.

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.