| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2980Responded to: 28 November 2024 |
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Your recent request for information is replicated below, together with our response.

**How many people have been arrested for posts on social media? [Helpful background here: https://www.met.police.uk/advice/advice-and-information/har/harassment-on-social-media/ social media includes things like Facebook, Twitter and Instagram]**

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 comprehensive arrest data, as case by case assessment of all officer notebooks would be required - in addition to the partial arrest 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.

Furthermore, we do not have a search option for ‘social media’ and therefore each incident report would need to be assessed for relevance to your request with would cost well over the threshold set out within the act.

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

**How many people have been charged over social media posts?**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation there are no search markers to indicate that a crime had an online or social media element. The only way to provide you with this information in an accurate and consistent manner would be to individually and manually examine each crime report created on our systems to determine relevance to online activity. Considering the numbers of incidents involved this is clearly an exercise which would exceed the cost limitations of the Act.

**How many people have been convicted over social media posts?**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. The role of the police in Scotland, in relation to crimes and offences, is to investigate the circumstances and where sufficient evidence exists to then report the matter to the relevant Procurator Fiscal.  It is a matter for the Procurator Fiscal to decide on and to progress any prosecution through the courts. The disposal in relation to cases reported to the Procurator Fiscal is not routinely passed to the police, therefore, the Service do not hold the information requested in relation to convictions.

By way of assistance, I have listed below contact details for the Crown Office and Procurator Fiscals Service who may be able to assist you in this matter:

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA or via <http://www.copfs.gov.uk/>

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 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 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.