

Our Ref: IM-FOI-2015-1160



Sir Stephen House QPM  
Chief Constable

## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

**We are currently researching the impact of criminal convictions on students and their capacity to complete courses and find employment. This is a partnership between Recruit with Conviction, University of Strathclyde and the Scottish Funding Council.**

**I understand that the police record the occupation of people who are arrested and I am interested in any data relating to the Occupation of "student" and to be able to compare this against the totals of all other occupations. e.g, the number of students who are arrested, if they were charged and what the charge was, if court proceedings occurred and if there was a conviction. Any profile marker such as gender and age would also be useful. I appreciate that none or small amounts of this data might be recorded and I'd be grateful for anything which might help to quantify the number of students who get caught up in the justice system on offending grounds.**

Firstly to explain the police in Scotland have the power to arrest an individual where there is sufficient evidence to support a charge against them, for a common law crime or for a statutory offence where the statute empowers the police to arrest, without warrant, any person contravening its provisions. When a statute confers power to arrest any person contravening its provisions, this power should be exercised only if it is necessary in the interests of justice that the offender should be taken into custody. If citation will prove equally effectual, arrest should not be made. Accordingly, not all offenders are routinely arrested when they commit crimes and some may be subject of a report to the Procurator Fiscal, without ever having physically been arrested as stated above. Other individuals may be arrested but then found to innocent of any offence.

I have considered your request and am afraid that I am unable to provide a response, as it would prove too costly to do so within the context of the fee regulations. 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.

To explain further, Police Scotland operate a number of crime recording systems. Whilst robust statistical analysis can be made of the data held on each of our systems, they are not at present designed to enable the retrieval of the specific information as per your request. The only way to provide you with this information in an accurate and consistent manner would be to individually examine each crime report created for the time period requested. For N Division, in 2014 alone this would entail examining over 25,000 such reports. There are, of course, significant high-level similarities between the systems used across the country to allow for, for example, the recording of crimes and associated detection rates. However, the differences when it comes to researching far more specific information, such as that which relates to the details of an accused person means that some information cannot be gathered by the central Analysis and Performance Unit of Police Scotland and independent research would have to take place within each of the 14 Divisions of Police Scotland in an attempt to identify the relevant information. The undertaking of such work would greatly exceed the costs limitation detailed above.

I am sorry I have been unable to assist you on this occasion.

Should you require any further assistance concerning this matter please contact me directly on 01463 720555 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of the decision. Should you wish to do so, contact details are; FOI Central Processing Unit, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - [foi@scotland.pnn.police.uk](mailto:foi@scotland.pnn.police.uk)

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely,

**Donna Quick**  
Information Management