| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1905  Responded to: 12 August 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

**1.Procedures for Gathering Evidence:**

**A. What is the official procedure for gathering and assessing evidence when a report of financial fraud is made to Police Scotland?**

**B. Are there specific guidelines or protocols that officers must follow when deciding whether to investigate a reported crime?**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The information sought is publicly available:

[Fraud and Economic Crime SOP](https://www.scotland.police.uk/spa-media/elypa35o/fraud-and-economic-crime-sop.pdf)

[Crime Investigation SOP](https://www.scotland.police.uk/spa-media/uwwcamlx/crime-investigation-sop.pdf)

## 2.Statistics on Dismissed Crimes:

## A. For the past three years (or the most recent available period), how many reported financial fraud cases were dismissed without any examination of the submitted evidence?

## B. If available, please provide the reasons given for dismissing these cases without examining the evidence?

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

To explain, we do not record cases as ‘dismissed’, just as recorded and detected, some initial reports can be subsequently marked as ‘no-crime’ but that can be for any number of reasons.

To be of assistance, data regarding fraud can be found using the link below:

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

## 3.Policy on Solicitors' Involvement:

## A. Is it usual police procedure to ask a victim of a crime to seek a civilian solicitor to state that "this is a fraud the police can investigate," before Police Scotland will

## investigate the crime?

We are unable to comment on what is usual, as you may be aware, the Act provides a right of access to recorded information only.  Requests seeking the creation of comment or opinion in relation to a particular query, are not therefore valid in terms of [section 8 of the Act](https://www.legislation.gov.uk/asp/2002/13/section/8).

## 4.Use of Deception and Misrepresentation:

## A. How many times in the past three years have officers used deception or misrepresentation to steer victims away from seeking police inv'estigation of a reported crime?

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. Please note, we do not record complaints or officer conduct information in those terms.

To be of assistance, the formal disciplinary process for Police Officers is governed by [the Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made). The associated [Scottish Government Guidance Document](https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/04/conduct-and-performance-procedures-police-guidance/documents/police-guidance-conduct-procedures/police-guidance-conduct-procedures/govscot%3Adocument/Police%2BService%2Bof%2BScotland%2B%2528conduct%2529%2Bregulations%2B2014.pdf) provides further information on the process and allegations are categorised in line with our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) outlines how we deal with complaints. Allegations are recorded in accordance with the categories listed at appendices C and D.

## 5.Officer/Victim Interview Procedures:

## A. Do police procedures for a formal officer/victim police interview include allowing the officer to predetermine their view that the reported crime is not a financial fraud based on the officer's judgement, even if the officer has rejected a 102-page fraud report stating 'I don't need to see that,' within a couple of minutes of the interview commencing?

## 6.Supervisor's Obligation to Respond:

## A. What are the obligations of a police officer's supervisor in responding to inquiries or complaints from members of the public? Specifically, is there a required time frame or protocol for responding to a recorded delivery letter from a member of the public asking questions about an officer's actions and procedures?

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. Please refer to the Standard Operating Procedures mentioned in previous questions 1 and 4.

**7.Officer's Statement on Fraud:**

**A. What is Police Scotland's official position on the legality and appropriateness of the following statement made by an officer during an interview regarding a reported fraud: "If I (officer) tell you I am going to work on Susan's roof but I'm going to charge you for it (pointing to the victim's representative), then if I do that work, you have to pay me"?**

**B. Does this above officers' statement align with Police Scotland's understanding of contract law and fraud?**

**C. What training do officers receive regarding the legal basis of contractual obligations and fraud, particularly in cases involving property factors and homeowners?**

As you may be aware, the Act provides a right of access to recorded information only.  Requests seeking the creation of comment or opinion in relation to a particular query, are not therefore valid in terms of [section 8 of the Act](https://www.legislation.gov.uk/asp/2002/13/section/8).

## 9.Exemption of Property Factors from Fraud Investigations:

## A. What is Police Scotland's policy regarding the investigation of fraud allegations against property factoring companies?

## B. Is there any official guidance or policy that exempts property factors from criminal fraud investigations?

## C. If such an exemption exists, what is the legal basis for this exemption?

## D. How does Police Scotland differentiate between civil disputes and criminal fraud when allegations are made against property factoring companies?

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. Please refer to the Standard Operating Procedures in question 1.

To be of assistance, you may wish to raise a complaint, to do so please see: [Complaints - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/complaints/)

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.