| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-1332Responded to: 27 June 2024 |
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Your recent request for information is replicated below, together with our response. Please accept my apologies for the delay in responding.

## Please note that I am aware of the existence of the Case Reporting SOP which is publicly available. My request pertains to SOP’s and related documentation additional to this which is specific to the investigation of sexual offending.

## Police Scotland’s SIO Rape and Serious Sexual Crime Handbook;

## Police Scotland’s Standard Operating Procedures (hereafter ‘SOP’) Relating to Rape and Attempted Rape currently in force;

I can advise that Police Scotland hold 2 relevant SOPs the Sexual Crime Investigation SOP and the Crime Investigation SOP.

In relation to the Crime Investigation SOP, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

To be of assistance, I have attached a link below which provides the information you have requested:

[Standard Operating Procedure (SOP) Review Template (scotland.police.uk)](https://www.scotland.police.uk/spa-media/uwwcamlx/crime-investigation-sop.pdf)

In relation to the Sexual Crime Investigation SOP and the SIO Rape and Serious Sexual Crime handbook both these documents are considered to be fully exempt from disclosure.

In terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which:

(a) States that it holds the information,

(b) States that it is claiming an exemption,

(c) Specifies the exemption in question and

(d) States, if that would not be otherwise apparent, why the exemption applies.

The exemptions that I consider to be applicable to this information are:

Section 30 (c) – Prejudice to effective conduct of public affairs

Section 34 - Investigations

Section 35(1)(a) &(b) - Law Enforcement

Section 39(1) - Health and Safety

It is acknowledged that matters contained within these documents are of public interest and would contribute to public debate.

That said, both these documents are under review, and I would argue that if we were to provide them, in a public disclosure, it would provide misleading information and in addition would substantially prejudice the ability of Police Scotland with regards the prevention and detection of crime and the apprehension or prosecution of offenders.

Section 2(1) & (2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

## Public Interest

The key test when considering where the balance of public interest lies is to establish whether, in all the circumstances of the request, the public interest in providing the redacted information is not outweighed by maintaining the exemption(s).

Although I consider that public awareness would favour disclosure, as it would contribute to public debate, Police Scotland must ensure that the release of this level of detail is not inadvertently providing potentially harmful information and placing an operation, investigation, or an individual(s) at risk.

In conclusion, it simply cannot be in the public interest for Police Scotland to provide this level of detail.

## Any Police Scotland Policy or Protocol document relating to the sharing of information in criminal cases between Police Scotland and the Garda Síochána in Ireland.

I can advise that Police Scotland does not hold the above requested information.

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, a search of our recording systems has not identified any relevant information.

By way of information, exchanges of information from Police Scotland via INTERPOL are covered as part of UKICB (the National Crime Agency’s International Crime Bureau) and their policies and procedures. Any exchanges via Europol as part of our third-party operational agreement with EU member states are covered by TACA (Trade and Co-operation Agreement) legislation.

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.