| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2473  Responded to: xx October 2023 |
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Your recent request for information is replicated below, together with our response.

## Please provide copies of all training materials, including supplementary briefings, PowerPoint presentations, videos, or similar, on the use of Recorded Police Warnings. Please also include material on Direct Measures in which RPWs are referenced.

I can confirm there are currently no additional training materials, supplementary briefings or presentations that specifically relate to the use of Recorded Police Warnings.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

## Please provide the full standard operating procedure on RPWs and guidance surrounding their use (including any external guidance produced by e.g. the Lord Advocate).

Police Scotland’s Direct Measures Standard Operating Procedure (SOP), is available online via the following link:

[Standard Operating Procedures - Direct Measures](https://www.scotland.police.uk/access-to-information/policies-and-procedures/standard-operating-procedures/standard-operating-procedures-d-f/)

Please note that some of the information within the published document has been withheld.

In relation to this withheld information, and also your request for a copy of the Lord Advocate’s guidelines, I am refusing to provide you with the information requested.

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.

The exemptions that I consider to be applicable to the information requested by you are:

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

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

Disclosure of the requested information would impact on the ability of the Police Service to prevent and detect crime and to release this information would be contrary to that purpose.

This is a non-absolute exemption and requires the application of the public interest test.

Section 39(1) – Health, safety and the environment

The disclosure of the information requested may have the potential to increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

Public accountability may favour disclosure, given that the information concerns guidance that Police Scotland follows in relation to Direct Measures and inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity or tactics employed could be used to the advantage of criminals.

Police Scotland adheres to the Lord Advocate’s Guidelines on Recorded Police Warnings which instruct police on what action could be taken in certain circumstances. Details or copies of the guidelines have never been released into the public domain as to do so would compromise law enforcement strategy and allow offenders to rightly or wrongly believe they could commit some offences without fear of significant penalty.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

[I](https://www.scotland.police.uk/spa-media/1yyffcgw/direct-measures-sop.pdf)f 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.