| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0539  Responded to: xx March 2024 |
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Your recent request for information is replicated below, together with our response.

## Can I please request information about Police Scotland's pilot in the North East of Scotland, announced in September 2023, in which some crimes were not to be fully investigated, outlined at:

## <https://www.scotland.police.uk/what-s-happening/news/2023/september/proportionate-response-to-crime/>

## Can you please provide me with the following information:

## How long did this pilot scheme last, is it ongoing, or has the pilot scheme become permanent policy?

## How many crimes were not investigated, which otherwise would have been, as a result of this pilot?

## Copies of any assessments or reports carried out by Police Scotland in which the success or otherwise of the pilot was assessed, and / or any recommendations for future actions.

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’.

To assist, the published evaluation report is available on the SPA website via the link below:

[Proportionate Response to Crime Pilot - Evaluation Report](https://www.spa.police.uk/spa-media/u3nbl2v3/item-4-1-ne-pilot-evaluation.pdf)

## A list of alleged offences in which no further action was taken, when it otherwise would have been had the pilot not been in place, and on how many occasions this applied for each offence.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002. 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.

In this case, I believe the relevant exemption is:

Section 35(1)(a) and (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.

To release the requested information would inform those with criminal intent which crimes would be considered for the Proportionate Response to Crime investigation process, as such, this may allow those same persons the opportunity to plan and orchestrate their criminal activities with the aim to avoid detection.

Police Scotland do not disclose their detection strategies to avoid providing those with criminal intent any tactical advantage when planning or perpetrating any unlawful activities.

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

It is worthy of note that an assessment of threat, harm, investigation, risk, vulnerability, and engagement (THRIVE) is applied to all offences to determine the most appropriate police response regardless of crime type.

Public Interest Test

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also 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 could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

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.

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.