| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1722  Responded to: 03 September 2024 |
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Your recent request for information is replicated below, together with our response.

## Can you confirm if Police Scotland sent a report to COPFS into the handling of an operation by Strathclyde Police, which commenced in 2005.

Clarified as:

**The report would most likely be centred around the Emma Caldwell murder enquiry, beginning in 2005. The two operations we’re aware of relating to that would be Operation Grail and Operation Guard. However, this may be a more general report into police culture or systemic issues around that time.**

We can confirm that a report was sent to COPFS.

## What are the details of this report? Are investigations into this report still active? If not, when did they cease to be active and why? We have evidence that this report also raised systemic issues present within Strathclyde Police. Can you provide details of these systemic issues? Can you provide details of individuals identified as being involved in criminal offences as part of this investigation.

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 following exemptions apply:

**Section 34(1)(b) - Investigations by a Scottish public authority**

Information is considered exempt information if it has, at any time, been held by a Scottish public authority for the purposes of an investigation which may lead to a decision to report the circumstances to the Crown Office and Procurator Fiscal Service to enable a determination on whether criminal proceedings should be instigated and to determine whether a person should be prosecuted for an offence.

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

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

Information is exempt information if its disclosure would, or would be likely to, prejudice substantially the prosecution of offenders.

This information is held for policing purposes and disclosure of the requested information could hinder law enforcement or live investigations.

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

**Public Interest Test**

I do appreciate that there is a degree of interest in the release of such information and as such it is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success. Therefore, accountability and transparency relating to the actions of the Service and our officers would favour disclosure of the information.

That said, a decision for non-disclosure would follow consideration of ongoing or likely criminal investigations and the efficient and effective conduct of the service in relation to such investigations. It is essential that information pertaining to investigations is disclosed at the correct time, where appropriate.

You may also be interested in the following statement, confirming a Public Inquiry into the Emma Caldwell case: Public Inquiry into Emma Caldwell case - gov.scot (www.gov.scot)

## We understand this report was passed on to senior lawyers in COPFS to determine whether any criminal offences were committed by police during this investigation (commencing 2005). Were any criminal offences uncovered? Can you provide details of any criminal offences uncovered?

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

You may wish to contact COPFS: [Enquiry Point | COPFS](https://www.copfs.gov.uk/contact/enquiry-point/)

You may also be interested in the following statement:

[Police Scotland release after Iain Packer convicted of murdering Emma Caldwell in 2005 - Police Scotland](https://www.scotland.police.uk/what-s-happening/news/2024/february/iain-packer-convicted-of-murdering-emma-caldwell-in-2005/)

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.