| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1431  Responded to: 28 June 2023 |
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Your recent request for information is replicated below, together with our response.

## I am seeking disclosure to the Police Scotland Domestic Abuse Aide Memoir document operational officers currently use while dealing with domestic incidents in Scotland. I am requesting this as part of a live complaint against the police whereby polices and procedures in the recording of the domestic abuse questions were incorrectly followed. I am requesting access to the domestic abuse aide memoir document issued to officers.

Please be advised that information regarding guidance for officers when managing incidents of domestic abuse is publicly available.

As such, 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”.*

The information you are seeking is available on the Police Scotland website. To be of assistance, please see the links below for the information you require.

[Domestic Abuse Investigation Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fuaflohy/domestic-abuse-investigation-sop.pdf)

## [Joint Protocol between Police Scotland and COPFS](https://www.scotland.police.uk/spa-media/ymzlwhwj/joint-protocol-between-police-scotland-and-copfs-in-partnership-challenging-domestic-abuse.pdf?view=Standard)

Please be advised that some information within the Domestic Abuse Investigation Standard Operating Procedure has been redacted. As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with all of 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 specific case the relevant exemption is Section 35(a) and (b) Law Enforcement.

Section 35 (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.

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

One of the main purposes of the Police Service is to prevent crime, 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.

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.