| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2258  Responded to: 20 September 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## I would like to know, for each of the years 2017-2024, how many individuals Police Scotland have investigated for sexual offences where police officers have pretended to be children online as part of those investigations.

## I would also like to know how many of those individuals were arrested in each of those years, how many were charged in each of those years, and how many were convicted in each of those years, where those arrests/charges/convictions were for indecent communications offences arising out of contact with police officers pretending to be children online.

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.

If the above data was held, the following exemption would be considered relevant:

**35(1)(a)&(b) – Law Enforcement**

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders.

If the details of Police Scotland’s investigations were disclosed, experience has shown that it would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. It would allow criminals to plan how best to engage or occupy existing police resources in an effort to maximise their chances of committing serious crime, therefore harming the efficient and effective conduct of the service.

Such information would prove extremely useful information for persons involved in criminality as they would be able to plan and conduct their activities to avoid detection. It would confirm the resources available in a specialised area of policing, which would allow those intent on wrong doing to judge the police response to a variety of incidents. In turn this would prejudice substantially the ability for our officers to prevent and detect crime and apprehend or prosecute offenders.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively, and thereby prejudice substantially the prevention and detection of crime.

## Public Interest Test

As you will be aware, the exemption detailed above is non-absolute and requires the application of the public interest test. Public awareness would favour a disclosure as it would contribute to the public debate surrounding investigations into sex offenders.

That said, I would contend that to ensure efficient/effective conduct of our investigations that it cannot be in the public interest to release such information.

## Further, how many individuals were arrested, charged and convicted in each of those years where those arrests/charges/convictions were for indecent communications offences arising out of contact with members of informal online child abuse activist groups/paedophile hunters.

## Finally, how many individuals were arrested, charged and convicted overall in each of those years for offences involving indecent communication with children.

Please note, Police Scotland does not hold criminal conviction data and section 17 of the Act therefore applies. You may wish to contact the Crown Office and Procurator Fiscal Service (COPFS) and/ or the Scottish Courts Service.

In relation to arrests, the Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practicable and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested *and* *not* cautioned and charged. They are ‘Officially Accused’ once arrested *and* cautioned and charged.

If conveyed to a police station, the arrested person will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ - where the reasonable grounds for suspicion no longer exist. In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensivearrest data, as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

If you would be interested in data regarding only those individuals arrested *and brought into police custody,* we may be able to provide some data.

For the reasons outlined above, Police Scotland do not routinely or otherwise collate data on ‘arrests’.

To be of assistance, please see our previously published FOI response for recorded crime stats - [24-0552- Crime Stats - grooming of children for the purposes for sexual offences - 2000-24 - Police Scotland](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2024/march/24-0552-crime-stats-grooming-of-children-for-the-purposes-for-sexual-offences-2000-24/)

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.