

Our Ref: IM-FOI-2022-0032
Date: 2 February 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I would like to make a Freedom of Information request in relation to custody records and/or crime recording data please.

1. Specifically, I wanted to find the recorded nationality of those arrested and/or convicted in relation to the following crimes.

- **Theft from shop**
- **Human trafficking**
- **Modern slavery**
- **Benefit fraud**
- **Drug offending**
- **Metal theft or the equivalent category.**

In relation to the nationality of those convicted, I can advise you that Police Scotland does not hold the information requested by you. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the role of the police in Scotland, in relation to crimes and offences, is to investigate the circumstances and where sufficient evidence exists to then report the matter to the relevant Procurator Fiscal. It is a matter for the Procurator Fiscal to decide on and to progress any prosecution through the courts.

By way of assistance, I have listed below contact details for the Crown Office and Procurator Fiscal Service who may be able to assist you in this matter:

Crown Office
25 Chambers Street
Edinburgh
EH1 1LA

<http://www.copfs.gov.uk/>

OFFICIAL

Please see the attachment for the nationality of offenders of those arrested and below which shows all offences covered within each heading of crime.

I can advise you that Police Scotland does not hold all the information requested in relating to Nationalities. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, during the years 2017 and 2018 there were a number of Nationalities that were not recorded due to nationality of the arrestee not being a mandatory field.

Theft from shop

All Theft by Shoplifting arrests.

Human Trafficking

The following offences are included:

HUMAN TRAFFICKING 2015 S1(1) CHILD VULNERABLE ADULT SERVICES
HUMAN TRAFFICKING 2015 S1(1) CONTROL OVER PROSTITUTION
HUMAN TRAFFICKING 2015 S1(1) FORCE PROVISION OF SERVICES
HUMAN TRAFFICKING 2015 S1(1) HUMAN ORGAN OFFENCES
HUMAN TRAFFICKING 2015 S1(1) HUMAN ORGAN OUTSIDE SCOTLAND
HUMAN TRAFFICKING 2015 S1(1) MAKE OBSCENE INDECENT MATERIAL
HUMAN TRAFFICKING 2015 S1(1) MAKE VICTIM OF SEXUAL OFFENCE
HUMAN TRAFFICKING 2015 S1(1) MAKE VICTIM SEXUAL OFF OUT SCOT
HUMAN TRAFFICKING 2015 S1(1) OUTSIDE SCOTLAND
HUMAN TRAFFICKING 2015 S1(1) REMOVAL BODY PART OUT SCOTLAND
HUMAN TRAFFICKING 2015 S1(1) REMOVAL HUMAN BODY PART
HUMAN TRAFFICKING 2015 S1(1) SLAVERY SERVITUDE FORCED LABOUR
HUMAN TRAFFICKING 2015 S32(1) BREACH PREVENTION ORDER
HUMAN TRAFFICKING 2015 S32(1) BREACH RISK ORDER
HUMAN TRAFFICKING 2015 S4(1)(A) HOLD PERSON IN SLAVERY
HUMAN TRAFFICKING 2015 S4(1)(B) PERSON PERFORM FORCED LABOUR

Slavery

The following offences are included:

CRIM JUST LIC 2010 47(1)(A) HOLD ANOTHER IN SLAVERY OR SERV
CRIM JUST LIC 2010 47(1)(A)&(B) IN SLAVERY OR SERV & LABOUR
HUMAN TRAFFICKING 2015 S1(1) SLAVERY SERVITUDE FORCED LABOUR
HUMAN TRAFFICKING 2015 S4(1)(A) HOLD PERSON IN SLAVERY

Benefit fraud

The following offences are included

CHILD BENEFIT 1975

SOCIAL SECURITY 1986 S55 RECEIVE BENEFIT NOT ENTITLED

SOCIAL SECURITY ADMIN 1992 S112(1)(A) REC BENEFIT PRE 2/4/01

SUPPLEMENTARY BENEFITS 1976

TAX CREDITS 2002 S35 FRADULENTLY OBTAIN TAX CREDIT

Most benefit fraud cases are dealt with by HMRC and do not always end up as arrests in police custody, however, there was 1 arrested person brought into custody in 2018 in relation to the following offence.

TAX CREDITS 2002 S35 FRADULENTLY OBTAIN TAX CREDIT

Drug offending

Drug offences are all charges where 'drug' is mentioned.

Metal theft or the equivalent category

In relation to metal theft, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations. As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request. As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, there is no specific charge for 'Metal theft' this would come under common law theft and it is not possible to differentiate, therefore, to obtain the information sought would require an individual to review all crime files for theft for the period requested. This would be a significant task and would exceed the cost threshold. To illustrate the extent of this task for recorded theft crimes for the second quarter 2021/22 alone there were 12,166 recorded crimes. If we estimate that it would take 5 minutes to review each file this would totally over a 1,000 hours and at a cost of £15 per hour this would exceed the time and cost threshold set by ministers.

By way of assistance these statistics can be found on the Our Performance page of the Police Scotland website via the following link

<https://www.scotland.police.uk/spa-media/cucg0qbd/force-area-quarter-2-official.pdf>

2. I was also interested in whether any crime data exists in relation to the nationality status of victims please in relation to human trafficking and modern slavery.

OFFICIAL

I would like year on year statistics for the relevant category please for the last 5 recorded years.

I can advise you that Police Scotland does not hold the information requested. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the Information you have requested regarding the number of National referral mechanism (NRM) allocated to Police Scotland is held by the Home Office who are the data controllers for this information.

To be of assistance you may find further information on this subject matter at the link below:

[https://www.gov.uk/government/collections/national-referral-mechanism-statistics"](https://www.gov.uk/government/collections/national-referral-mechanism-statistics)

Should you require any further assistance concerning this matter please contact Information Management – Glasgow at foi@scotland.pnn.police.uk quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.