

Our Ref: IM-FOI-2022-0005
Date: 20th January 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.

Can your authority reveal the following (all between 2013 and 2021):

- 1. Number of instances where homeowners used any legal weapon (e.g. hands, legs with feet, criminal identifier tag spray, etc) to restrain a criminal who deliberately entered their property without consent with the criminal intent of physically harming the homeowner and/or stealing their property until the arrival of the police.**
- 2. Number of instances where homeowners used any legal weapon (e.g. hands, legs with feet, criminal identifier tag spray, etc) to kill a criminal who deliberately entered their property without consent with the criminal intent on physically harming the homeowner and/or stealing their property.**
- 3. Number of instances where homeowners used any partially illegal weapon (i.e. crossbows) or illegal weapon (i.e. knives, guns, etc) to injure a criminal who deliberately entered their property without consent with the criminal intent on physically harming the homeowner and/or stealing their property.**
- 4. Number of instances where homeowners used any partially illegal weapon (i.e. crossbows) or illegal weapon (i.e. knives, guns, etc) to kill a criminal who deliberately entered their property without consent with the criminal intent on physically harming the homeowner and/or stealing their property.**
- 5. Number of instances where homeowners were arrested for legally using reasonable force against the criminal(s) deliberately intent on physically harming them and/or stealing their property.**
- 6. Number of instances where homeowners were arrested for using what was either deemed or proven to be excessive force against the criminal(s) deliberately intent on physically harming them and/or stealing their property.**

Having considered your request in terms of the above Act, 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.

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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 are no incident or crime classifications specific to the circumstances outlined in your request.

Any such incident could be recorded under a series of different categories, each of which would have to be individually assessed for relevance.

This would involve case by case assessment of hundreds of thousands of reports - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

7. Number of instances where homeowners were convicted of using excessive force against the criminal(s) deliberately intent on physically harming them and/or stealing their property.

8. Number of instances where homeowners were cleared of using excessive force against the criminal(s) deliberately intent on physically harming them and/or stealing their property by injuring and/or killing them.

Police Scotland does not hold prosecution information. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may wish to contact the Crown Office and Procurator Fiscal Service (COPFS) which holds prosecution information for Scotland. A request can be submitted to COPFS via email using the following address foi@copfs.gsi.gov.uk
Should you require any further assistance please contact Information Management Dundee, 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.

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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.

