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Our Ref: IM-FOI-2022-0461  
Date: 9<sup>th</sup> May 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.

Tackling domestic abuse is a priority for Police Scotland and we are committed to working with our partners to reduce the harm it causes and ultimately eradicate it.

Domestic abuse is a despicable and debilitating crime which affects all of our communities and has no respect for ability, age, ethnicity, gender, race, religion or sexual orientation.

Police Scotland will not tolerate it.

Police Scotland will proactively target perpetrators and support victims to prevent domestic abuse from damaging the lives of victims and their families.

Police Scotland defines domestic abuse as:

“Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse may be committed in the home or elsewhere including online”

This definition is included in the Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS), “*In partnership challenging domestic abuse*” which is a public document that can be found at the Police Scotland website on <https://www.scotland.police.uk/> or on the COPFS website on <http://www.copfs.gov.uk/>.

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

**My request: Since 2011, how many people, separately men and women, each year are:**

- 1. Arrested and investigated on basis of rape and domestic abuse accusations,**
- 2. Charged with above and passed to Procurator Fiscal,**

In response to your request, 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, our crime recording systems are not able to automatically provide the requested gender breakdown of accused persons. In order to retrieve the information requested, a manual check of each detected rape and domestic abuse incident with a linked crime would be required.

In this case 9,398 records would need to be manually checked in regards to rape offences back to 2011 and 217,606 records for domestic incidents with a linked crime back to 01/01/2014 when our current public protection system was introduced. At a conservative estimate of 5 minutes per record, this equates to over 783 hours of work in regards to rape offences and 18,133 hours in regards to domestic incidents with a linked crime in order to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

I would normally suggest that you may wish to submit a request with a reduced timescale but in this case, taking just rape offences for the single year of 2021 would exceed the cost threshold within the Act at 167 hours.

### **3. Kept under formal charges but not being taken to trial for more than 6 months**

Trial information is held by the Crown Office and Procurator Fiscal Service (COPFS) rather than Police Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

You may wish to make a request to COPFS directly using the following email address:  
[foi@copfs.gov.uk](mailto:foi@copfs.gov.uk)

Should you require any further assistance please contact Information Management 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](mailto: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.

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You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto: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.