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Our Ref: IM-FOI-2022-1747
Date: 16th September 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.

Please provide a copy of the below reports as set out in your response to 22-0952

- 1) Strategic Unit: Violence against Women and Girls Strategic Assessment January 2022 Review**
- 2) Strategic Unit: Domestic Attempt Murder Assessment 2020**
- 3) E Division Problem Profile on Group 2 Crime Edinburgh**
- 4) G Division Domestic Crime**
- 5) G Division Group 2 crime review**

In relation to profile 1, I must advise that this was a draft document that was never completed. As such the figures and information within have not been verified or the document used as a problem profile. As such and in relation to profile 1 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 you have requested and the exemption that I consider to be applicable is set out at:

Section 30(b)(ii) – free and frank provision of advice or exchange of views

Section 30(b)(ii) – free and frank provision of advice or exchange of views

Information is exempt under sections 30(b) if disclosure would, or would be likely to, inhibit substantially:

- (ii) the free and frank exchange of views for the purposes of deliberation (section 30(b)(ii)).

The provision of advice or opinion contained within problem profiles in relation to a specific subject matter, as well as the exchange of views on both operational and corporate

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considerations take place routinely for much of our policing business. This documents our thinking and deliberation on the issues raised and our final decision making.

If released, those deliberations, including the subject matter discussed would be substantially inhibited, prejudicing the ability to respond effectively to sensitive issues and require the Service to assess correctly the harm in any potential future disclosure.

Pre-empting these decisions by releasing information into the public domain is likely to frustrate this process and would inhibit the manner in which those issues are debated, effectively undermining the ability to ensure that there is sufficient opportunity to ensure all potential concerns and viewpoints are accurately identified and addressed.

Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

That said, disclosure would harm the efficiency and effectiveness of the Service and the flow of information to the Service would be harmed by release of such information. If individuals were unwilling to contribute to such deliberations or put forward proposals in the future fearing their initial views were publicly attributable, or in case any non-factual information was disclosed prior to matters being finalised, any efforts to achieve honest opinions, would be hindered and as such the balance of the public interest test favours retention of the information.

In relation to profiles 2-5, please find attached the requested information. For clarity, the documents provided are as follows:

22-1747 Attachment 01 – Strategic Unit: Domestic Attempt Murder Assessment 2020
22-1747 Attachment 02 – E Division Problem Profile on Group 2 Crime Edinburgh
22-1747 Attachment 03 – G Division Domestic Crime
22-1747 Attachment 04 – G Division Group 2 crime review

I must advise that it has been necessary to withhold some of the information requested, therefore, 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 you have requested and the exemption that I consider to be applicable is set out at:

Section 25(1) – Information Otherwise Accessible
Section 30(b)(ii) – free and frank provision of advice or exchange of views
Section 31(1) – National Security and Defence
Section 33(1)(b) – Commercial Interests

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Section 35(1)(a)&(b) – Law Enforcement

Section 38(1)(b) – Personal Information

Section 25(1) – Information Otherwise Accessible

Section 33(1)(b) – Commercial Interests

I have dealt with these two exemptions together as they both relate to 1 specific section of profile 2, namely one of the appendixes which contains a copy of “The Massachusetts Model”

This document is already 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 document is published on Policing Insight at the following address:

<https://policinginsight.com/features/opinion/expand-the-massachusetts-domestic-violence-high-risk-response-model/>

The Section 33(1)(b) exemption also applies as the article is behind a paywall. If Police Scotland were to release the document via Freedom of Information this would essentially be treated as a release to the world. It would provide free access to this article for which the owner would potentially lose revenue. The commercial interests of the holder of this document would therefore be harmed.

Section 30(b)(ii) – free and frank provision of advice or exchange of views

Information is exempt under sections 30(b) if disclosure would, or would be likely to, inhibit substantially:

(ii) the free and frank exchange of views for the purposes of deliberation (section 30(b)(ii)). The provision of advice or opinion contained within problem profiles in relation to a specific subject matter, as well as the exchange of views on both operational and corporate considerations take place routinely for much of our policing business. This documents our thinking and deliberation on the issues raised and our final decision making.

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If released, those deliberations, including the subject matter discussed would be substantially inhibited, prejudicing the ability to respond effectively to sensitive issues and require the Service to assess correctly the harm in any potential future disclosure.

Pre-empting these decisions by releasing information into the public domain is likely to frustrate this process and would inhibit the manner in which those issues are debated, effectively undermining the ability to ensure that there is sufficient opportunity to ensure all potential concerns and viewpoints are accurately identified and addressed.

Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

That said, disclosure would harm the efficiency and effectiveness of the Service and the flow of information to the Service would be harmed by release of such information. If individuals were unwilling to contribute to such deliberations or put forward proposals in the future fearing their initial views were publicly attributable, or in case any non-factual information was disclosed prior to matters being finalised, any efforts to achieve honest opinions, would be hindered and as such the balance of the public interest test favours retention of the information.

Section 31(1) – National Security and Defence

If the information is disclosed it may assist terrorist organisations to identify, with some accuracy, measures currently in place to detect and prevent their activities. This would provide them with a tactical advantage when planning or perpetrating their terrorist plans and activities allowing them to cause the maximum impact of destruction and disruption.

The security of the United Kingdom is of paramount importance and Police Scotland will not disclose further details of such information if it would impact on National Security.

This is a non-absolute exemption and requires the application of the public interest test.

Section 35(1)(a)&(b) – Law Enforcement

The requested information, if disclosed, could be used to try and work out how and where police resources are allocated and focused. It would also expose areas where vulnerabilities exist or avenues offenders may take to minimise their chances of detection. Those with criminal intent would then be in a position to more accurately estimate their chances of detection and make efforts to evade this.

Internal links have also been removed so as not to expose information that may be leveraged to compromise IT security and therefore be detrimental to the prevention or detection of crime.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

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In regards to S31(1) and, S35(1)(a)&(b) as you will be aware, the exemptions listed above are non-absolute and require the application of the Public Interest Test. I would suggest that public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by the Service and where police are directing focus on matters of serious crime. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

Furthermore, 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.

It is important to note that the UK does face a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, whether protected or not, and will not reveal any information that might jeopardise this goal. To provide details of resources allocated to protecting them is likely to place individuals at serious and increased risk.

On balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed, as, it is doubtful if it can 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.

Section 38(1)(b) – Personal Information

Any information that could lead to the identification of individuals has been redacted. This is in accordance with Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – Personal Information.

This mainly relates to names of third parties and any staff member within Police Scotland of a more junior role (below the rank of Superintendent or Head of Department). Those of a more senior rank have been included as it is deemed within the public interest to do so.

Information has also been removed if it is specific enough that an individual could be identified by themselves or by others.

As such, the processing would be unfair and unlawful in respect of the individuals concerned and would therefore be in breach of the first principle of the Data Protection Act 2018.

Finally, I would ask you to note that there is a page mismatch within profile 3. Whilst the last page states page 34 of 35, this is due to the numbering starting on page 2 as page 1 of 35 and no pages have been omitted.

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.

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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.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.