| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2269  Responded to: 22 September 2023 |
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Your recent request for information is replicated below, together with our response.

## Following the announcement from the North East division of Police Scotland that ‘no further action’ will be taken when it is deemed that a crime ‘has no proportionate lines of enquiry’ to investigate, the full list of crimes that this pilot scheme will apply to. For example, the letter references garden theft but I would like a full list of the crimes that will no longer be investigated if there are no proportionate lines of enquiry to investigate.

## If no such inclusive list has been decided on, whether there is a list of crimes that the pilot will not apply to and if so please provide it. If there is no list in either case, whether that means this pilot scheme will be applied to each individual crime reported on a case-by-case basis.

In response to the two questions above, I must respond in terms of Section 16 of the Freedom of Information (Scotland) Act 2002. I am refusing to provide you with the information requested. 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.

In this case, I believe the relevant exemption is Section 35(1)(a) and (b) Law Enforcement.

**Section 35(1)(a) and (b) Law Enforcement.**

Information is exempt information if its disclosure under this Act would or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

To release the requested information would inform those with criminal intent which crimes would be considered for the Proportionate Response to Crime investigation process, as such, this may allow those same persons the opportunity to plan and orchestrate their criminal activities with the aim to avoid detection.

Police Scotland do not disclose their detection strategies to avoid providing those with criminal intent any tactical advantage when planning or perpetrating any unlawful activities.

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

It is worthy of note that an assessment of threat, harm, investigation, risk, vulnerability, and engagement (THRIVE) is applied to all offences to determine the most appropriate police response regardless of crime type.

**Public Interest Test**

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals.

Consequently, in terms of 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.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could 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.

## The guidance that has been issued regarding what defines ‘no proportionate lines of enquiry’ for the purposes of this pilot scheme or any information provided to officers in the north east about what they should consider no proportionate lines of enquiry to constitute.

Regarding this question, please see the response to questions 1 and 2 above.

Additionally, it is important to note that police officers in the north-east are not responsible for considering any proportionate lines of enquiry as part of the pilot.  Crimes that may be considered as part of the pilot are only those reported via our Contact, Command & Control Division Resolution Team.

The Resolution Team engage with the public, capture details of the crime being reported and consider if there are any proportionate lines of enquiry or if the circumstances are suitable for the proportionate response to crime process. The Resolution Team have been provided with role specific training for this task and they underpin all of their decision making with a THRIVE assessment which considers the Threat, Harm, Risk, Investigative Opportunities, Vulnerability and Engagement needs of the incident being reported.

## How the performance of the pilot scheme will be measured by Police Scotland. Please set out all performance indicators being used by Police Scotland for the scheme and whether there are thresholds for these indicators that would denote that the pilot has been ‘successful’.

An evaluation group has been established, no specific performance indicators are being used, but the group has identified a number of qualitative and quantitative areas for inclusion in the evaluation process. This will include mechanisms for the public to provide feedback on the pilot.

## The date that this pilot scheme started/will start and when it will finish.

The pilot started on 28 August 2023 and will conclude on 20 November 2023.

## All correspondence between the Scottish Government and Police Scotland regarding this pilot scheme including emails, phone calls, zoom/teams meetings WhatsApp and/or instant messages and in-person meetings. Please provide this information between 1 April 2023 and 4 September 2023.

In response to this question, 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 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.

For the moment, considering solely the email aspect of your request, we have previously attempted to conduct keyword searches like the one that would be required to identify the information you have requested.

In this case a search for emails containing the phrases “Scottish Government” “North East Pilot” and “Proportionate Response to Crime” along with potentially others would be required.

Despite extensive efforts to retrieve emails requested by keyword it has become clear that whilst we do have the facility to conduct a keyword search, we do not have the facility to limit this to a particular date range.

This means that any mention of the keywords on any date would be returned. These are returned as individual full mailbox archive files for each mailbox that contains these keywords.

Once these archives are retrieved, a manual process is required to confirm which emails within each file contain the keyword required. This is further complicated by the fact that we will simply know there is at least one email within the mailbox archive that contains the keyword. There could be 1 or 100 and so each email would need to be manually checked for the topic requested.

During previous similar keyword requests, we have conducted a rough estimate using one of our divisions (A Division) which accounts for over 1,300 mailboxes. It is estimated that 100-200 of these may contain the keywords requested. If this is extrapolated across our other divisions this would give us a rough estimate of 2,400 to 3,600 mailbox files to review but it is expected this number may be higher due to the relative size of some of our divisions.

At an average estimate of 30 minutes to check each mailbox file concerned, this equates to around 1,200 to 1,800 hours of work to complete.

This is before we consider a review of any additional correspondence such as files/notes/minutes/letters/instant messages etc held by Police Scotland which would again require a degree of manual searching. It is likely a full check of all documents held by the force would add thousands of additional hours to the time it would take to comply with the request.

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.

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.