

Our Ref: IM-FOI-2022-2255
Date: 11th November 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.

In relation to sexual offences of disabled individuals (with the figures being broken down if possible re: if the offences took place when the individual was a child or an adult). Please could you supply figures for the past 5 calendar years (with the figures being broken down for each year):

1. Number of allegations per year
2. Number of charges placed per year

It would be helpful to have a breakdown of the disabilities if possible and within the cost/time remit.

In response to these questions, 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, the crime recording systems used by Police Scotland have no markers etc. available to carry out a search of crimes whereby the victim has a disability. There is also no facility whereby details of the victim can be easily extracted.

As such, case by case assessment of all sexual crimes would have to be carried out to establish whether the victim has a disability.

This would involve individually examining thousands of crime reports - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

If it was of some interest, we could provide details on sexual crimes which have been marked as being hate crimes on the grounds of disability and/or there are a few crime types that relate specifically to mental disability we can provide data for - *Carnal*

OFFICIAL

knowledge of mentally disordered person/ Householder permitting carnal knowledge of mentally disordered/ Sexual Abuse of trust of mentally disordered person

3. Number of convictions per year

Police Scotland does not hold conviction 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 Fiscals Service (COPFS) which holds conviction 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.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.