

NOT PROTECTIVELY MARKED

1 December 2009

Your Ref: Email dated 4 November 2009

Our Ref: 0953/2009

Email:

[REDACTED]

Force Disclosure Unit
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Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0953/2009

I refer to your request for information dated 4 November 2009, which was received by Strathclyde Police on the same date. Your request has been passed to my department to formally respond on this matter under the Freedom of Information (Scotland) Act 2002 (the Act) as some information cannot be collated without significant effort.

Your request for information has now been considered and on 1 December 2009, a decision was made to provide some of the information requested by you. Some of the information requested by you is, however, considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002. Section 16 of the Act requires Strathclyde Police 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. Where information is considered to be exempt, this letter serves as a Refusal Notice and an explanation of the appropriate exemption is provided.

For ease of reference, I have provided a response to each of the questions posed by you, as detailed below.

For the 3 year period 22nd October 2006 to 21st October 2009:

- 1. How many offences involved alcohol?**
- 2. How many violent offences involved alcohol?**

Section 12(1) – Excessive cost of compliance

Information relating to the number of recorded crimes and offences that involved alcohol to one degree or another, whether as a material fact or by incidental connection, cannot be electronically retrieved. In terms of such a general request we would have to examine every recorded crime or offence to see if it contained relevant recorded information; in 2008/2009 there were 424,589 recorded crimes and offences and 7,483 violent (Group 1) offences. To examine every one to see if alcohol was a factor would exceed the 40 hours/£600 cost provision laid down by the Act.

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3. How many offences involved Buckfast in any way?

In light of the above, we have undertaken a search of all crimes using a word search for 'buckfast'. This reveals a total of 5,638 instances where the word is used, in some context, in the initial reported crime. To further ascertain what this involvement would require us examining every relevant report. At an average of 5 minutes per report this would equate to some 470 hours and would again be cost exempt.

4. How many violent offences involved Buckfast in any way?

Examining the number of Murders, Attempt Murders, Serious Assaults and Common Assaults recorded by the force over the relevant period shows a total of 448 reports where the word 'Buckfast' was recorded in some context.

5. Can you give an age and gender breakdown for these?

Of all such recorded offences (5,638), only 4,048 record an offender. Of these:

- 3,633 are male (90%) and 415 are female (10%).
- 583 persons were under 18.

Of the 448 violent offences as above:

- 204 involved a male offender (85%) and 36 involved a female offender (15%). Of the remaining 208 cases the gender was not determined.

6. Are there geographical hotspots for these offences? If so, what are they?

Section 17 – Information not Held.

The force does not record crimes and collate them under the term 'hotspot' accordingly in terms of the Act this information is not held. However, where relevant or necessary spatial concentrations can be examined to ascertain where clusters of offences occur. Using this process these occur in Glasgow City Centre, the area surrounding Cumbernauld, Airdrie and Coatbridge, and the town of Ayr.

7. Are there any statistics which give an insight into links between Buckfast and gang activity?

Section 17 – Information not Held.

This question would involve the examination of information to record an interpretation or opinion. The force does not hold such opinion and accordingly this information is not held.

8. How many under age drinkers were discovered?/Had alcohol confiscated?

Section 12(1) – Excessive cost of compliance

I have interpreted your request as to mean instances where alcohol has been confiscated by the police from persons under the age of 18 who are in a public place under the terms of Section 61(1) and (2) of the Crime and Punishment (Scotland) Act 1997.

Under Section 61(1) and (2) of the Crime and Punishment (Scotland) Act 1997 it states the following:

- (1) *Where a constable has reasonable grounds for suspecting that a person in a public place –*
is under the age of 18; and
is in possession of alcoholic liquor, within the meaning of the Licensing (Scotland) Act 1976,

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he may require that person to surrender that liquor to him, and may dispose of it in such a manner as he considers appropriate; and he may also require that person to supply him with his name and address.

(2) *Where a constable has reasonable grounds for suspecting that a person of or over the age of 18 has alcoholic liquor in his possession in a public place and that person -*

(a) *has supplied such liquor to a person under the age of 18 for consumption in a public place; or*

(b) *intends that that liquor should be consumed in a public place by a person under the age of 18,*

The constable may require the person in possession of the liquor to surrender it to him, and may dispose of it in such manner as he considers appropriate; and he may also require that person to supply him with his name and address.

As a result, there is no requirement to raise a crime report, as an offence is only committed when a person fails to comply with the requirement to surrender the liquor to the officer and/or supply his/her name and address. By way of example I can find no such crime reports even for the financial year of 2008/2009 which relate to person/s under the age of 18 being charged with the offence under Section 61(1) and (2) of the Crime and Punishment (Scotland) Act 1997. Furthermore, there is no requirement for the officer to actually seize the alcohol as a production and record an entry in a force production book. The alcohol may be, for example, poured out on the street. Therefore, the only record which will generally be held on the confiscation of alcohol would be an entry in the officer's notebook.

A police notebook is a 65 page handwritten document and it is reasonable to suggest that an operational officer may use an average of 3 notebooks during a 12 month period. Each notebook would take at least 20 minutes to read and extract any information which pertains to your request. For example, with over 8,000 officers within Strathclyde Police, who may have had cause to seize alcohol from individuals under the age of 18, the obtaining of information relevant to your request, would involve the manual examination of over 24,000 notebooks. At a minimum of 20 minutes per notebook, the task would take in excess of 8,000 hours. As a result the cost would exceed £120,000, substantially over the £600 limit set by the Act.

9. Of those - how many were drinking buckfast?

To be of assistance, with reference to question 5 of the 4,048 recorded offenders there were 457 cases whereby a person under 18 years of age was found to be consuming Buckfast in a public place or had, as an offence under the Licensing (Scotland) Act 1976 been sold Buckfast .

10. Can you give an age and gender breakdown for these?

Of the above 457 cases:

Aged 13 – 8

Aged 14 – 21

Aged 15 – 74

Aged 16 – 127

Aged 17 – 227

Males – 388 (85%)

Females – (15%)

11. How many violent offences involved a bottle as a weapon?

Section 12(1) – Excessive cost of compliance

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Due to our crime recording processes there is an inherent difficulty with matching recorded crimes with a recovered weapon under an electronic search as implements may be recorded simply due to it being recovered, however, might not have been materially involved in the crime. For example a hammer might have been recovered at a locus and recorded on the crime report, however, the victim may only have been stabbed.

To ascertain every instance where a bottle was used as a weapon would require us to examine every such crime report and find out if the recovered weapon was used in the crime or not. There were 7,483 violent crimes (Group 1 crimes) recorded in 2008/2009 alone. Once again, at an average of 5 minutes to examine each one would take over 600 hours and even at 2 minutes would take almost 250 hours.

12. How many violent offences involved a Buckfast bottle as a weapon?

Again, to be of assistance we have examined the above 448 crimes of violence mentioned in question 4, as a significantly smaller search field I can advise that 114 involved the use of a Buckfast bottle as a weapon.

I hope this information is helpful, however, if you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance to request a review of the decision made by the Force. Should you wish to request such a review, please write to Mrs Sheena Brennan, Disclosure Manager at the above address within 40 working days of receiving this letter. Once informed of the Review Panel's decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610. I would like to take this opportunity to thank you for your interest in Strathclyde Police.

Should you require any further assistance concerning this matter please contact me directly on 0141 435 1205 quoting the reference number given.

Yours sincerely

Inspector Graeme Cuthbertson
Force Disclosure Unit