



**CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE**

SCOTLAND'S PROSECUTION SERVICE

Response and Information Unit  
Crown Office  
25 Chambers Street  
Edinburgh EH1 1LA

Tel: 0300 020 3000  
Text Relay prefix: 18001

**By e-mail:**

[request-637678-9e1f9f87@whatdotheyknow.com](mailto:request-637678-9e1f9f87@whatdotheyknow.com)

Your ref:  
Our ref: R022688

6 February 2020

Dear Sam Howard,

I refer to your email dated 21 January 2020 in which you requested the following information under the Freedom of Information (Scotland) Act 2002 (FOISA):

*1) Please confirm for each calendar year since 1 April 2013, how many criminal allegations against the police have been received by the COPFS. Please break this down per year.*

*2) Please confirm of all the criminal complaints received by the PF since 2013, how many of these progress to trial? Please break this down per year.*

*3) Please confirm of all the criminal complaints received by the PF since 2013, how many of these Result in a guilty verdict? Please break this down per year.*

*4) Please confirm how many FTE staff work within the department dedicated to dealing with criminal complaints against the police. Please break this down per year since 1 April 2013.*

*5) Please confirm the average time, broken down by year since 1 April 2013 that a complaint takes from arriving with the PF until being concluded and returned to Police Scotland.*

*6) Please provide all written agreements electronic or otherwise between Police Scotland and the COPFS in respect of criminal allegations against the police. This should include agreement on how these matters are handled, timeframes and process for requiring updates.*

*1) Please confirm for each calendar year since 1 April 2013, how many criminal allegations against the police have been received by the COPFS. Please break this down per year.*

Please find the requested data below.



[www.copfs.gov.uk](http://www.copfs.gov.uk)



Criminal allegations against the police cases received by COPFS					
		Financial Year Reported			
<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
132	125	91	59	73	68

In response to your questions “2)”, “3)” and “5)” I can advise that the information you have requested is not specifically recorded by COPFS, therefore, in terms of Section 17 of FOISA COPFS does not hold the information you have requested.

I do, however, appreciate that additional clarification as to why any information which may exist cannot be collated and provided would be helpful. To this end I will address this below.

It may help if I explain that the Crown Office and Procurator Fiscal Service (COPFS) uses a live operational case management database, specifically designed to receive criminal and death reports from the police and other specialist reporting agencies and to manage the cases for prosecution purposes. It is designed to meet our business needs in relation to the processing of criminal cases, and the information within it is structured accordingly. We do not have a separate statistical database, and hold only operational data needed for business purposes.

All cases within the requested timeframe would require to be reviewed in order to identify the information you seek.

In the timeframe you have requested the number of criminal allegations against the Police reported to COPFS was 548. In order to answer your request it would require a member of COPFS staff to identify the cases these allegations relate to, retrieve said cases and then manually search each one of these cases in order to identify the information you have requested.

Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

I hope you will appreciate that given there were 548 allegations which had been reported to COPFS in the requested timeframe, that this exercise would, in terms of staff time required to consider each case, exceed the upper cost limit referred to above. We have previously conducted a search for this information and can confirm that it did exceed the upper cost limit.

*4) Please confirm how many FTE staff work within the department dedicated to dealing with criminal complaints against the police. Please break this down per year since 1 April 2013.*

Please find below the information requested in “4)”.



The below figures are taken from April of each year and include those on paid sick and maternity leave and also secondments into COPFS.

April 2013 – 9.54  
April 2014 – 7.54  
April 2015 – 7.59  
April 2016 – 8.21  
April 2017 – 9.61  
April 2018 – 10.39  
April 2019 – 12.86

*6) Please provide all written agreements electronic or otherwise between Police Scotland and the COPFS in respect of criminal allegations against the police. This should include agreement on how these matters are handled, timeframes and process for requiring updates.*

Complaints alleging criminal conduct by on- duty Police Officers, which are received by COPFS, are investigated independently and thoroughly by CAAP-D. Proceedings will only be raised against any Police Officer on the instructions of Crown Counsel. Crown Counsel are the senior, independent lawyers who take decisions on behalf of the Lord Advocate in the most serious cases.

Under Section 25(1) of FOISA, we are not required to provide information in response to a request if it is already reasonably accessible to you. I can advise that the information you have requested is already publicly available. Some guidance is available on the Police Scotland website and I have attached a link to the 'Complaints about the Police Guide' for your information:

<http://www.scotland.police.uk/assets/pdf/138327/147514/complaints-about-the-police-guide?view=Standard>

If you do not have internet access, this document should be accessible at any Police station.

The COPFS website also contains guidance and this guidance can be found at Publications - Prosecution Policy and Guidance - Book of Regulations – Chapter 2 – Section 2.25.1 and Appendix A – Investigation of Serious Crime.

You may electronically access this guidance using the following link:

[http://www.copfs.gov.uk/images/Documents/Prosecution\\_Policy\\_Guidance/Book\\_of\\_Regulations/Chapter%202-%20Investigation%20of%20Serious%20Crime.pdf](http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Book_of_Regulations/Chapter%202-%20Investigation%20of%20Serious%20Crime.pdf)

COPFS also have a Prosecution Code which is published on our website. This document sets out the criteria for decision making and the range of options available to prosecutors dealing with reports of crime. For the avoidance of doubt, this would include reports containing criminal allegations about serving police officers. I attach a link to that document for your information:

[http://www.crownoffice.gov.uk/images/Documents/Prosecution\\_Policy\\_Guidance/Prosecution20Code20\\_Final20180412\\_1.pdf](http://www.crownoffice.gov.uk/images/Documents/Prosecution_Policy_Guidance/Prosecution20Code20_Final20180412_1.pdf)



If you are unable to electronically access the guidance I have signposted on the COPFS website please contact COPFS again at the FOI Enquiries mailbox quoting reference R022688 and we will post a hard copy of the relevant documents to you.

If you are dissatisfied with the COPFS response to your FOI request you have the right to ask us to review it. Your review request should be made within 40 working days of receipt of this letter; please e-mail [foi@copfs.gsi.gov.uk](mailto:foi@copfs.gsi.gov.uk) and we will reply within 20 working days of receipt.

The review will be undertaken by a member of the COPFS FOI unit who was not involved in the original consideration of your request.

Under section 47(1) of FOISA if the COPFS position is unchanged following a review you have the right to appeal to the Scottish Information Commissioner within six months of receiving the review.

Under section 48(c) of FOISA that right of appeal might be limited as it can be subject to what information is requested. It is for the Scottish Information Commissioner to decide if he will accept your appeal on a case by case basis.

Yours sincerely,



G Connor  
Response and Information Unit

A Register of FOI responses is published on the [FOI page](#) on the COPFS website: [www.copfs.gov.uk](http://www.copfs.gov.uk).

