



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

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**PRIVATE AND CONFIDENTIAL**

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I Hudson

**BY Email:** [request-490967-5dd7b01c@whatdotheyknow.com](mailto:request-490967-5dd7b01c@whatdotheyknow.com)

Your ref:  
Our ref: R018662

28 June 2018

Dear I Hudson

Thank you for your email of 13 June where you requested the following information under the Freedom of Information (Scotland) Act 2002 (FOISA):

*1) How many prosecutions took place in 2017 for the use of a drone to commit a criminal offence? These are crimes that would typically be prosecuted using the Air Navigation Order legislation.*

*2) How many prosecutions took place in 2017 in total of all crimes? (This is just to derive a percentage of drone prosecutions versus all other crime).*

I should firstly explain that the Crown Office and Procurator Fiscal Service's case management database is a live, operating database. It is designed to meet our business needs in relation to the processing of 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.

**1) How many prosecutions took place in 2017 for the use of a drone to commit a criminal offence? These are crimes that would typically be prosecuted using the Air Navigation Order legislation.**

Having looked at the Air Navigation Orders Legislation I wish to inform you that this does not always relate to drones but also included small unmanned aircraft which could potentially relate to drones. However due to the small numbers of these charges reported to us we were able to check these individually and I can confirm there were 7 charges reported in 2017, which were prosecuted that specifically related to drones. These do not include any charges reported under any other statutory or common law provision where a drone was used to commit an offence. These charges could be several within one report or individual and could related to one or more accused.

**2) How many prosecutions took place in 2017 in total of all crimes? (This is just to derive a percentage of drone prosecutions versus all other crime).**



As stated above our data base is an operating database and we do not have a separate statistical data base, therefore I am unable to provide equivalent figures for all crimes prosecuted in 2017 and that the information you have requested is not recorded by COPFS. Accordingly, I can therefore confirm in terms of Section 17 of FOISA that COPFS does not hold the information you have requested.

I can also confirm in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. 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.

In order to identify the all charges that were prosecuted Crown Office staff would be required to consider individually each report submitted in relation to charges that were prosecuted and the time taken to complete this task would exceed the upper cost limit.

However, the information you are seeking can more effectively be obtained from the Scottish Government Justice Department's Court Proceedings Database, which is designed to provide statistical information. They also publish official statistics on Prosecutions. You can contact the Scottish Government Justice Department at [justicestatistics@gov.scot](mailto:justicestatistics@gov.scot)

If you are dissatisfied with the way in which your request has been handled, you do have the right to ask us to review it. Your request should be made within 40 working days of receipt of this letter and we will reply within 20 working days of receipt. If you require a review of our decision to be carried out, please e-mail [foi@copfs.gsi.gov.uk](mailto:foi@copfs.gsi.gov.uk).

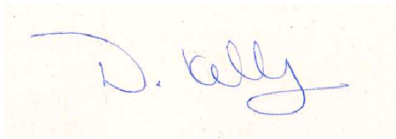
The review will be undertaken by staff not involved in the original decision making process.

If our decision is unchanged following a review and you remain dissatisfied with this, please note that although generally under section 47(1) of FOISA there is a right of appeal to the Scottish Information Commissioner, where the information requested is held by the Lord Advocate as head of the systems of criminal prosecution and investigation of deaths in Scotland, under section 48(c) no application can be made as respects a request for review made to the Lord Advocate. The information you have requested appears to fall into that category, although ultimately it would be for the Commissioner to decide whether that was the case should you refer the matter to him.

In circumstances where section 48(c) does not apply and the Commissioner accepts an appeal, should you subsequently wish to appeal against that decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely





D. Kelly  
**Response and Information Unit**