

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 30th April 2021

Your ref: FOI

Our ref: FOI 2021 / 385

Reply contact name is: Nick Penny

Dear XXXXX,

I write in connection with your request for information dated 28th April 2021 concerning Arrests per year in relation to SMS scams.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

My request relates to the number of arrests made per year in relation to SMS scams, that is, scams where the use of SMS texts was a central part of a fraud, used to extract personal details or money from victims. These are also called Smishing message frauds.

I am asking every police force in the UK the same question.

In each case, I understand that records may be incomplete, and if this is the case, I would like whatever figures are available, together with their dates, to give the most accurate view possible.

Here is what I am requesting:

1. The number of arrests made for each of the last 10 calendar years including 2021 so far relating to SMS scams as defined above
2. How many of those arrested were tried in court for those offences
3. How many of those arrested were convicted

Please also tell me how recent 2021's data is. For instance, it could be four arrests to 31 March, or 10 arrests to 9 April.



INVESTOR IN PEOPLE

Our response:

The information that you are requesting is not stored in a way which permits easy retrieval.

Not only are we only able to undertake specific searches of crime data dating back a rolling 5 years - rather than the 10 year period you are requesting - we assign crimes against designated Home Office Crime Recording Codes.

There is no specific HO crime recording code for Smishing or Text-related crimes of this nature, they get amalgamated into other specific Theft types such as Thefts from a Person, Other Theft or in a general "pot" we term "Summary Offences" which do is used when offences do not particularly fit any designated crime category.

There are no HO Codes related to Fraud offences that would provide the accurate means by which we could report offences of this nature.

In addition, whilst our crime recording systems are sophisticated and we possess specific fields that we can use to record data such as Race, Address, Occupation and so on we do not currently have a designated field in which we record whether an offence is related to Smishing or the use of Text Messaging or not – so it is impossible for us to specifically search for offences of that nature.

The only way to ascertain the information you are looking for would be to undertake "wildcard" or free-text searches for words such as "Smishing", "SMS" and "Text" within the abbreviated summary description of offences and then to look at each offence in turn to see whether it met your criteria or not.

For just the 5 year period that we can search against, undertaking a wildcard search of the Offence Summary descriptions returns in excess of 6,000 individual crime records.

Even allowing a very generous 5 minutes per record I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

Please Note – Wildcard Searches :-

When it comes to the use of Wildcard or Free-Text searches, unless an applicant specifically asks for them to be used to answer an FOI request we do not normally publish anything in the public domain that has been generated using this method for a number of reasons, such as (but not limited to) the following :-

- a) Searches of this nature can only be done against the abbreviated summary description of an offence and not the whole content of a crime log. Therefore if a keyword is not mentioned in the summary but is mentioned in the longer crime log it will not be returned in any searches.
- b) Searches of this nature rely on the specific keywords selected being spelt correctly in the Summary description of an offence, if they are not, again they would not be featured in any results generated.
- c) Searches using this methodology produce data that is almost always understated and publishing any results of that kind in the public domain would be remiss as it would not necessarily reflect the true picture
- d) Etc

Please Note – Fraud Offences

It needs to be also be noted that not all offences of Fraud that are reported to Wiltshire Police are actually investigated by us, a significant number get referred directly to Action Fraud – which is a national body responsible for investigating offences of that nature.

If a Fraud is reported to Wiltshire Police and referred directly on to Action Fraud there would be very little information held within the Summary description of the offence and details of the investigation / outcome (including whether arrests have been made) would not actually be available to us in any searches we might undertake on our system(s).

Ordinarily under our section 16 duty to provide advice and assistance, we would normally advise you how to refine your request to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 12: Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk