

17 October 2024

FOI Ref 17369

Request - You asked us the following:

Original request:

I would be grateful if you could provide the following details for the period from 1st January 2023 to 31st July 2024:

1. The total number of reported cases involving stolen cryptocurrency during this period (including but not limited to funds lost in hacks, fraud, scams).

Please include the total number of cases and the total value of the stolen cryptocurrencies (at the time of theft).

Please also break down the cases by their current status.

For closed cases, specify how many were closed due to lack of jurisdiction/referred to another police force, closed due to solving the crime being unlikely, closed due to lack of police resources, and closed due to crime not being serious enough.

2. Of all reported cases, how many involved successfully tracing stolen funds to/through a cryptocurrency exchange or a digital wallet hosted by a cryptocurrency exchange?

(An exchange is defined as a place where users can buy, sell and trade cryptocurrency, for example Binance or Coinbase.)

3. Of these cases involving exchanges, how many resulted in an officer attempting to contact the exchange?

In cases where an exchange was contacted, did they cooperate with law enforcement?

Cooperation is here defined as:

Acknowledgment and timely response: The exchange acknowledges the request from law enforcement and responds within a reasonable time frame.

Compliance with requests: The exchange complies with lawful requests, such as providing transaction data, account information, or assisting in identifying the individual(s) behind the transactions.

Freezing or restricting funds: The exchange takes appropriate action to freeze or restrict access to stolen funds when requested, in accordance with legal requirements.

4. Please provide a list of the names of exchanges that either did not respond to requests or did not cooperate with law enforcement as per the above criteria.

Refinement:

Would it work to narrow the scope simply to a list of cryptocurrency exchanges who declined/refused to cooperate with police? Or if I gave a list of specific exchanges?

We received your request on 15/10/2024 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

Staffordshire Police can neither confirm nor deny whether information relevant to this request is held, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

- **Section 31(3) – Law Enforcement**

Section 31 is qualified and prejudice-based and, as such, we are required to articulate harm and apply the public interest test.

Harm

Freedom of Information is considered to be a release to the world as once the information is published the public authority, in this case Staffordshire Police, has no control over what use is made of that information. Whilst not questioning the motives of the applicant it could be of use to those who seek to disrupt any police investigation.

Confirmation or denial that Staffordshire Police holds information about tracing stolen cryptocurrency through cryptocurrency exchanges relates to the methodology of such investigations, which is ultimately indicative of investigative tactics used by UK policing. To confirm information (if held) in this regard would inform criminal subjects of the approach, as well as the associated success rate of tactics that may be used by UK Policing and would likely cause criminals to adapt their activity accordingly. This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public; ultimately causing more harm to victims of crime.

It remains our position that under FOIA Staffordshire Police will not confirm or deny whether it holds any information pertinent to your request. To confirm whether any information is held in respect of one piece of information and then neither confirm nor deny whether another piece of information is held, is likely to lead the public to deduce that information is held where a NCND response is applied. An increase in crime which arises out of an inconsistent approach to the 'NCND' principle may lead to an escalation of criminal activity that could have a detrimental effect on police investigations.

Public Interest Test

Factors favouring confirming or denying information is held – Section 31(3)

By confirming or denying whether information is held would show the public where funds are being spent. It would provide reassurance that the Police treat this type of crime seriously and all investigations are conducted robustly. Better public awareness may lead to more information from them.

Staffordshire Police is committed to openness and transparency with the general public. When a request for information is made it is correct that the police make appropriate information available to the general public. The provision of information, through confirming or denying whether information relevant to this request is held would accordingly, reinforce our commitment to being an open and transparent organisation.

Factors against confirming or denying information is held – Section 31(3)

By confirming or denying whether or not Staffordshire Police hold information relevant to this request would compromise investigations, thus hindering the prevention and detection of crime. To confirm that information is held and then provide it might allow those who are concerned with stealing cryptocurrency

to adapt their behavior with a view to evading detection as they would be better informed as to how the police might conduct investigations of this nature. This could impact on police resources, investigations themselves and ultimately add to the public purse.

Balance test

When balancing the Public Interest Test we have to consider whether the information, if held, should be released into the public domain. Arguments need to be weighed against each other.

As mentioned above, there is public interest in knowing how the police conduct investigations and whether or not any tactics used are successful, and this will only be overridden in exceptional circumstances. Yet to confirm or deny the existence of the requested information would allow interested parties to gain an upper hand and awareness of policing tactics used during investigations, leading to an increase of harm to such investigations.

Whilst to confirm or deny that information is held would reassure the public that any investigation had been or was being properly conducted and allow for a greater understanding of how information has been gathered, this could undermine the role and effectiveness of any future investigations. Any disclosure of information, if held, which has the potential to jeopardise an investigation, is therefore likely to prejudice law enforcement.

In conclusion, after weighing up the competing interests we have determined that confirmation or denial that the information requested is held would not be in the public interest. However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

Next steps

You can ask us to review our response.

If you would like us to carry out a review of our response, please let us know within two months of the date of receipt of this email, review requests should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit