| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0503  Responded to: 21 March 2024 |
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Your recent request for information is replicated below, together with our response.

## Regarding shooting of a dog by Police Scotland in East Kilbride, South Lanarkshire on 18/2/24 I would appreciate if you could please let me know:

## Was a dog unit involved, and if so

## At what stage the dog unit was requested and deployed

## If the dog unit had dart sedation capability

## What attempts were made to bring the dog under control before lethal force was used

## Could you please confirm whether or not the dog was contained when shots were fired and details of threat posed when shots were fired.

I can advise this information is considered to be exempt. Section 16 of the Act requires Police Scotland 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 that information is held and an explanation of the appropriate exemption is provided. The exemptions that I consider to be applicable to the information requested are as follows:

**Section 34(1) (a) (i) & (b) – Investigations by a Scottish public authority and proceedings arising out of such investigations**

Information is considered exempt information if it has, at any time, been held by a Scottish public authority for the purposes of an investigation which may lead to a decision to report the circumstances to the Crown Office and Procurator Fiscal Service to enable a determination on whether criminal proceedings should be instigated and to determine whether a person should be prosecuted for an offence.

This is a non-absolute exemption and requires the application of the public interest test.

**35(1)(a)&(b) – Law Enforcement**

Information is exempt information if its disclosure would, or would be likely to, prejudice substantially the prosecution of offenders.

This information is held for policing purposes and disclosure of the requested information could hinder law enforcement or live investigations.

This is a non absolute exemption and requires the application of the public interest test.

**Public Interest Test**

I appreciate there is a degree of interest in the release of such information: however this must be tempered against what is of interest to the public and what is in the public interest.

The Act does not define the public interest, however, it has been described as “something which is of serious concern and benefit to the public”, not merely something of individual interest. It has also been described as “something that is “in the interest of the public”, not merely “of interest to the public.” In other words, it serves the interests of the public.

It is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success. This is particularly true in investigations, therefore, accountability and transparency relating to the actions of Police Scotland and its officers would favour disclosure of the information.

That said, a decision for non-disclosure follows consideration of ongoing or likely criminal investigations and the efficient and effective conduct of Police Scotland in relation to such investigations.

As previously explained, it is essential that information pertaining to investigations is disclosed at the correct time, where appropriate, to ensure that neither the investigation nor the potential for proceedings to be brought against an individual(s) are put at risk.

## Details of Police Scotland operating procedure for responding to incidents of this nature

I can advise that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, Police Scotland does not have such a Standard Operating Procedure.

Standard Operating Procedures combine guidance, information and instruction for officers and staff, however, not every eventuality is covered, accordingly, officers will require to exercise their professional judgement.

Officers and staff should at all times consider whether their actions represent the expectations and standards of the Service and demonstrate Integrity, Fairness and Respect.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.