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Our Ref: IM-FOI-2022-2172
Date: 02 November 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, the parts of your request seeking information are replicated below together with our response.

- a) **Why has this police officer, who has breached his oath of office deliberately committing perjury not been prosecuted, the same as any member of the public perjuring themselves would have been prosecuted?**
- b) **As all the police officers who entered the property stated in their statements they entered out of concern for the mental welfare of the occupant, exactly what action did any of the police officers take to substantiate their stated intention for entering the property?**
- c) **My question is how could the arresting police officer arrest the occupant for an outstanding means warrant less than 10 seconds after entering the property when in his statement he clearly stated he only became aware of the warrant after being in the property for approximately two minutes when he was informed of the outstanding warrant over his radio?**
- d) **Due to fact the police could not initially gain access to the property and allowed this incident to proceed for some time trying to gain access, why did the police officers not force the door and arrest the occupant for the alleged serious breach of the peace?**
- e) **Due to the blatantly obvious discrepancies in the female officers statements, why was the content of the female police officers statements not investigated properly with a view to criminal prosecution?**
- f) **Why was the occupant not prosecuted for breach of the peace. Threatening physical violence to two female police officers is a serious matter.**

Why did the police investigators who investigated my complaint not see the blatantly obvious discrepancies and lies?

- g) **When police officers investigate other police officers who could be considered their colleagues, workmates and even friends, you have to trust they will do a professional job. The evidence clearly proves these police officers acted in a dishonourable manner throughout this incident and the evidence clearly shows they are prepared to lie. Why did the police investigators who investigated my complaint not deal with the blatantly obvious discrepancies and lies I have outlined above and report these police officers for consideration of prosecution.**

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First of all, I would stress that the Freedom of Information (Scotland) Act 2002 provides a right of access to *recorded information* only.

For the most part, your questions above seek comment or explanations regarding alleged events.

Notwithstanding, having considered your request in terms of the above Act, I would advise you that under Section 18 of the Freedom of Information (Scotland) Act 2002 (the Act), Police Scotland can neither confirm nor deny that it holds the information requested by you.

However, if the information was held by the Service, it would be considered exempt in terms of one or more of the exemptions detailed in Section 18 of the Act, which are listed below:

- Section 38(1)(a) - First party personal data
- Section 38(1)(b) and 38(1)(2A) - Third party personal data
- Section 34(1) - Investigations
- Section 35(1)(a)&(b) - Law enforcement

To disclose whether or not information was held would confirm the involvement of a named individual (you) in a police matter. More generally, it would also confirm the existence of information relating to that matter.

If any information were held, it would be held for the purpose of an investigation and disclosure of such information would prejudice the prevention and detection of crime and the apprehension or prosecution of offenders.

This should not, however, be taken as conclusive evidence that the information you have requested exists or does not exist.

I appreciate that this response might be frustrating but I would stress that FOI legislation *is not* an appropriate route for seeking information and explanation around personal matters and I would urge you instead to contact our Professional Standards team who may be able to discuss any complaints with you.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

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You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.