| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0606  Responded to: 25 March 2024 |
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Your recent request for information is replicated below, together with our response.

## I am requesting details of police arrests in Motherwell on Sunday 25th February 2024, related to the Motherwell v Celtic match.

## 1.) How many football fans were arrested in Motherwell on the day in question?

There was a total of 4 arrests in Motherwell relating to football.

## 2.) What crimes were the individual(s) charged with?

There was a total of 6 crime reports raised. These reports consisted of:

Section 38 Criminal Justice Licensing Scotland Act 2010- Did behave in a threatening/abusive manner X 3

Section 90 Police and Fire Reform Scotland Act 2012 -Resist, obstruct, hinder officer in execution of their duty. X 2

Section 201,202 and 203 Local Government Scotland Act 1973 – Possess open container of alcohol X 1

## 3.) There is a video being shared on [x.com](https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fx.com%2F&data=05%7C02%7Cfoi%40scotland.police.uk%7C43a4135a7ea64335834d08dc37dc98fc%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638446667795270529%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=0zI1DpJdWUXlXdL5K5FFm%2F5ZCAT2rSkh6acXZdARW4w%3D&reserved=0) from the "Green Brigade" North Curve Celtic account, showing one individual being restrained by four police officers. This clip has been viewed over half a million times in the first three hours of posting. The group sharing the clip are inferring that the police response was not proportionate.

## I am requesting the details of what happened before the clip in question - i.e. what had the football behaviour done/what crime had they committed that warranted the response and restraining from the police officers?

## Link below:

## <https://twitter.com/NCCeltic/status/1762525600097468458?t=YF5YUyPPFjstS41dT5gFOw&s=19>

With regards to the investigative information held by Police Scotland this 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 exemption that I consider to be applicable to the information requested is as follows:

**Section 34(1) (a) (i) & (b) – Investigations by a Scottish public authority**

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.

**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. 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, when the Freedom of Information Bill was considered by the Scottish Parliament, the then Lord Advocate stated that the exemptions detailed in section 34(1) were essential for an effective justice system. Section 34, has no harm test and information will be exempt from disclosure simply because it has, at some point, been held by an authority for any of these purposes listed.

Accordingly, I can find no public interest in the disclosure of the requested information.

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.