| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0278  Responded to: 22 February 2024 |
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Your recent request for information is replicated below, together with our response.

## Regarding shooting of dog by Police Scotland in Hamilton, South Lanarkshire on 23/1/24 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

Due to this being an ongoing investigation, with regards to your request above 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.

To be of assistance I have provided our press release below.

Police were called around 5pm on Tuesday, 23 January, 2024, to a report of a large bulldog type dog attacking a man in the Tinto View area of Hamilton.

Officers and the Scottish Ambulance Service attended and the man was taken to the Queen Elizabeth University Hospital for treatment for serious injuries.

Armed officers attended due to the dog being dangerously out of control.

The dog attempted to attack an officer and was shot dead by armed police.

A second man who was also attacked by the dog on Loudonhill Avenue, shortly before the incident on Tinto View, was taken to Hairmyres Hospital for treatment for minor injuries.

Superintendent Steven Espie said: “This was a distressing incident for those involved. I would like to reassure the local community that this was a contained incident and there is no further risk to the public.

“There will be a continued police presence in the area while our enquiries continue.

“Enquiries are also ongoing to establish the breed of the dog.”

A firearm was discharged during the response to this incident. As with any firearm discharge, the circumstances of the incident will be referred to the Police Investigations and Review Commissioner (PIRC).

## 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.