| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0407  Responded to: 08 March 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## If this has been Police Scotland policy for a while then how many football fans in Scotland have been charged this season (or during 2022 say) with pyrotechnic offences committed within the confines of the Scottish stadia?

In response to your request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, when recording crimes, there no specific crime code that relates to pyrotechnic offences within football stadiums. This type of offending can be covered by various pieces of legislation and therefore various crime codes depending on the circumstances of the offence. In order to be of assistance the statistic department has extracted data based on the crime codes '606213' (Sports grounds offences possessing alcohol etc) and '403311' (Reckless Conduct - not with firearms).

As you can see from the table below within the time period stated there have been 1595 offences detected. In order to determine if these crimes included pyrotechnic devices or occurred specifically within a football stadium each record would need to be manually examined. With a conservative estimate of 3 minutes per record this would equate to over 79 hours of work.

It may be the case that should you wish to significantly reduce the time period requested that some information that you required could be provided.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

However, in order to be of assistance please see the table provided below. Please note the data caveats at the bottom of the table.

Detected Crimes for the period 01 January 2022 until 31 December 2022 inclusive.

| Detected Crimes within Scottish Stadiums | Number of Offences Detected |
| --- | --- |
| Reckless Conduct - not with firearms | 1526 |
| Sports grounds offences possessing alcohol etc | 69 |
| Total | 1595 |

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 22nd February 2023.

1 The Detected Crimes are extracted using the Date Detected, and then selecting the Stats Class Codes '606213' (Sports grounds offences possessing alcohol etc) and '403311' (Reckless Conduct - not with firearms).

2 Please note, each record will need to be read to confirm the location of the crime/offence, and the circumstances surrounding the crime/offence.

3 Please note, more than one legislation is recorded under the Stats Class Codes '606213'.

## “What action is it that Police Scotland or the Football club or the SPFL can take “retrospectively in the days following the event” (as you outlined in your narrative) against such persons? For the life of me I can’t see how anything will identify a hooded culprit who is breaking the law. So surely the only way to root them out when they are in the stadium and actually breaking the law, is to arrest them on the spot?

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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.

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

The exemptions I find relevant in this case is Section 35(1)(a) and (b) Law Enforcement and Section 39 (1) Heath, Safety and the Environment.

Section 35(a) and (b) Law Enforcement

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders.

Disclosure of Police Scotland tactics would provide those intent on doing harm with foresight on how to circumvent detection. One of the main purposes of the Police Service is to prevent crime but to release this information would be contrary to that purpose.

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

Section 39 (1) Health, Safety and the Environment

The information requested is exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual or group. As previously described, to disclose the police detection tactics would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. This would leave persons attending such events and members of the public at an increased risk of being the victim of crime and jeopardise wider community safety.

This is a non-absolute exemption and requires the application of the Public Interest Test.

Public Interest Test

The public interest factors favouring disclosure surround the release of accurate information into the public domain for the awareness of the public and accountability for the use of police resources. Those favouring retention of the information surround the efficiency of the police service when policing events such as this and public safety.

In this instance, the balance of the public interest test favours retention of the information requested as it cannot be in the greater public interest to compromise the efficiency of the service and public safety at such football events.

## How would such action endanger police officers as presumably none of the culprits should have weapons of any kind. If an incident subsequently occurred involving others ganging up on the police then other fans would have to be arrested at the same time. They would after all be breaking the law in some manner.”

In response to this question, I must advise that Section 8 of the Freedom of Information (Scotland) Act 2002 makes clear that a request has to seek recorded information. This question seeks an opinion and not recorded information and as such, unfortunately is considered invalid.

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.