| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2054  Responded to: 06 September 2023 |
| --- | --- |

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

## How many police staff are allocated to police Musselburgh races "ladies day" each year? Please provide yearly figures from 2010-23. (Or as far back as available if not 2010)

## How many trained police dogs have been allocated to police Musselburgh races "ladies day" each year? Please provide yearly figures from 2010-2023. (Or as far back as available if not 2010)

## Please outline the role of police dogs deployed at Musselburgh races "ladies day". Are dogs deployed to search for bomb threats? Are dogs deployed for search for drugs? If so, how many, for which purpose? Please provide yearly figures from 2010-23. (Or as far back as available if not 2010)

**How many arrests have been made in direct relation to the work of police sniffer dogs deployed at Musselburgh races "ladies day" each year? Please outline the amount and reason for arrests from 2010-23. (Or as far back as available if not 2010)**

This information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). 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.

## Section 35(1)(a)&(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.

Release of the numbers of officers on duty and the resources utilised for both inside and outside of the event would adversely impact on the operational effectiveness of the Service in policing such similar events in the future, as would disclosure of the role of sniffer dogs. Being aware of the numbers of officers on duty and the resources utilised would allow persons or groups intent on committing offences or causing disorder with the means to make a reasonable assessment of police tactics at similar events in the future and thus to make an assessment of the capacity of the Service to deal with such eventualities. Disclosure of this information would compromise any tactical advantage the police may have over such persons or groups when dealing with any crime or disorder.

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. As previously described, to disclose the number of police officers deployed and the amount of trained police dogs 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 events.

## How many arrests have been made each year at Musselburgh races "ladies day"? Please provide yearly figures from 2010-23. (Or as far back as available if not 2010)

We can provide figures of how many arrests from 2021 onwards.

2021 – 4 arrests

2022 – 2 arrests

2023 – 0 arrests

## How many arrests made at Musselburgh races "ladies day" have led to prosecution each year? For which reasons? Please provide yearly figures from 2010-23. (Or as far back as available if not 2010).

In terms of Section 17 of the Freedom of Information (Scotland) Act 2002 I can confirm that the information you seek is not held by Police Scotland.

By way of explanation, the role of the police in Scotland, in relation to crimes and offences, is to investigate the circumstances and where sufficient evidence exists to then report the matter to the relevant Procurator Fiscal. It is a matter for the Procurator Fiscal to decide on and to progress any prosecution through the courts. The disposal in relation to cases reported to the Procurator Fiscal is not routinely passed to the police, therefore, the Service do not hold the information requested in relation to convictions.

By way of assistance, I have listed below contact details for the Crown Office and Procurator Fiscals Service who may be able to assist you in this matter:

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA or via <http://www.copfs.gov.uk/>

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.