

28 August 2024

FOI Ref 17063

Request - You asked us the following:

In lieu of said response I would be grateful if you would please confirm whether information in respect of the two dogs who fatally attacked Ian Price have been confirmed as XL Bully's via DNA testing as per tweet from a journalist - I have added the screen shot she added to her post along with an image of one of the dogs that does not resemble an XL bully but more an American Bulldog.

Can you confirm what DNA marker was used to confirm both dogs were American Bully's of the height XL. Which testing company was used as no such marker exists in the UK, only in the US, even then no marker exists for an XL as it is a height descriptor only.

Such information is in the public's interest especially as DNA is not admissible evidence when it comes to section 1 DDA1991 seizures for suspected banned breeds. At the time of the incident no criteria existed for the XL Bully and again DNA evidence is not admissible in section 3 DDA1991 court cases.

We received your request on 22/07/2024 and have processed this under the Freedom of Information Act (FOIA).

Please find below our response.

Staffordshire Police discloses/withholds the following information.

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The above information has been withheld for the following reasons:

Whilst this matter has been acknowledged in the public domain, investigations currently remain ongoing. Disclosure of any details relating to this matter at the present time would be extremely likely to prejudice both police activities, the investigative process and have the potential to undermine the judicial process; therefore, the right to a fair trial could be undermined. The ramifications of which would then be highly likely to impact upon how Staffordshire Police

conducts investigations both ongoing and in the future, and would be likely to cause significant harm to the law enforcement function of Staffordshire Police and the administration of justice.

The following exemptions have been applied:

- **Section 30(1)(a)(b) – Criminal Investigations**

Section 30 is qualified and prejudice-based and, as such, we are required to evidence the harm in disclosure and apply the public interest test.

Public Interest Test

Factors favouring disclosure under Section 30(1)(a)(b)

Disclosure of the requested information would lead to a better informed general public and demonstrate that the Staffordshire Police robustly investigates offences of this nature. This would further promote public trust in providing transparency and demonstrating openness and accountability into where and how the police are currently focusing their investigation.

Factors favouring non-disclosure under Section 30(1)(a)(b)

Staffordshire police is charged with enforcing the law, preventing and detecting crime and protecting the community we serve. Disclosure of the requested information would be highly likely to undermine these functions by impeding an ongoing investigation and therefore prejudice or jeopardise the outcome and, in doing so, therefore endanger the administration of justice.

This in turn would influence upon how investigations are carried out in the future; therefore, impacting upon prevention and detection of such matters and interfering with the evidential process; additionally, the right to a fair trial could be undermined. The outcome of which would lead to a decline in the public's perception of Staffordshire Police and public confidence would be greatly reduced.

Balance test

Disclosure under the Freedom of Information Act is a release of information to the world in general and not an individual applicant and when doing so we must be mindful of any ramifications. Having considered the public interest factors we are required to determine whether, on balance, the factors favouring disclosure outweigh those which are against. In this instance, It is our view that the factors favouring disclosure do not outweigh those opposing and this information shall be withheld at this time.

Next steps

You can ask us to review our response.

If you would like us to carry out a review of our response, please let us know within two months of the date of receipt of this email, review requests should be addressed to:



STAFFORDSHIRE
POLICE

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit