| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0333Responded to: xx March 2023 |
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Your recent request for information is replicated below, together with our response.

Please could you provide me with a list of unsolved murders which have taken place within the force area between 1960 and 2022?
For clarification purposes please first read the following information;

Having considered your request in terms of the above Act I can advise you that Police Scotland does not use the term ‘unsolved’ or “solved” but rather uses Resolved, Unresolved and Undetected.

Unresolved Homicides:

Unresolved homicides are considered those where:

(a) No suspect has been identified

(b) A suspect has been identified but not charged (no proceedings)

(c) A suspect has been identified and charged but not placed on petition (no proceedings)

(d) A suspect has appeared on petition but no indictment served due to there being considered an insufficiency of evidence at that time (no proceedings)

(e) A suspect has been indicted and a trial concluded which has resulted in an acquittal (Not Guilty/Not Proven)

(f) A suspect has been convicted but acquitted on appeal and no fresh prosecution has been authorised by the Appeal Court (Not Guilty)

(g) A suspect has committed suicide prior to trial and no other person is being sought in connection with the case.

Undetected Homicides:

Undetected Homicides are those cases where no person has been **formally identified as an accused** or **charged** with the offence.

The distinction is important as many homicides (particularly those committed during the last few years during the Covid 19 pandemic) are still awaiting court proceedings to bring them to a legal conclusion. In this regard Police Scotland categorise and record these homicides as unresolved.

From the wording of question 6 below the request has been interpreted as referring to information on **“undetected”** homicides within the time parameters specified.

On that basis, the records have been checked from 01/01/1960 (this is the agreed starting date for accurate reporting criteria covering the legacy police forces) to the requested date of capture on 31/12/22. Between those dates there are a total of 57 "undetected" homicides recorded (details of these are within the attached excel data capture).

It should be noted that many undetected homicides may have a suspects/suspects identified and police have carried out previous actions, detentions, arrests and interviews however this has not resulted in a person being charged for reasons such as insufficiency of evidence, suspects dying following the murder and other known circumstances.

For completeness, I can also advise you that there are a total of 1168 "unresolved" homicides listed from 01/01/1960 to date of request.

## Please include for each case.

## The list below has been slightly reordered for ease of response.

## 1. The name of the victim.

This information is contained within the attached spreadsheet.

2. The victim's age.

This information is contained within the attached spreadsheet.
3. The date of offence.

This information is contained within the attached spreadsheet.
4. The location of the offence.

## This information is contained within the attached spreadsheet.

6. Whether any arrests have ever been made in connection with the offence.

This information is contained within the attached spreadsheet.

5. A brief description of the offence.

It has always been the case that limited information regarding homicides may be disclosed as part of an investigative strategy and decisions to disclose this information are taken by the Senior Investigating Officer in consultation with the Crown Office and Procurator Fiscal Service.

It is considered that at this time, disclosure of the requested information (in terms of point 5 above) would be detrimental to any ongoing investigations. As time passes, the investigation of such cases can prove to be more challenging, therefore, it is essential that information is disclosed in the correct manner to ensure that neither the investigations nor the potential for any new proceedings to be brought against an individual are put at risk. Taking all of the above into account, 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.

I can confirm that Police Scotland holds the information that you have requested. The exemptions that I consider to be applicable to the information requested by you are as follows:

* Section 34(1)(b) – Investigations
* Section 35(1)(a)&(b) - Law enforcement
* Section 39(1) - Health & Safety

Any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminal organisations.

Disclosure of the information requested to the public domain would impact on the investigation process and give an indication as to which cases are being reviewed at any point.

This would also prejudice Police Scotland’s ability to identify the perpetrators, as an awareness of police activity could allow them to take steps to evade detection.

Such information is exempt 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.

In terms of public interest, I do appreciate that there is a degree of interest in the release of such information. However what is of interest to the public is not, necessarily, in the public interest. Nonetheless the investigation of serious crimes such as Homicide and ultimately, bringing such offenders to justice is always clearly in the public interest.

I also acknowledge that although accountability and transparency would favour disclosure placing all of the information you have requested in the public domain would be detrimental to ongoing investigations.

It is essential that information pertaining to certain 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 are put at risk.

Homicides are, by their very nature, extensively covered in the media and you may be able to gather further information by searching local media reports.

Equally, if it is of interest, we publish information/ appeals regarding ongoing investigations on the ‘Featured Cases’ page of our website (although you should note that these will not all relate to homicides):

[What's Happening - Police Scotland](https://www.scotland.police.uk/what-s-happening/)

In summary, the call for transparency cannot outweigh the importance of the police maintaining confidentiality while an investigation is still ongoing. Therefore, the balance lies in withholding the information requested and accordingly, I have decided to maintain the exemption.

For clarity, Homicide Governance and Review (HGR) conduct reviews of any undetected, unresolved homicides or other major crime investigations to identify any potential missed investigative opportunities. Members of the department ensure consistency of approach, identify best practice nationally and internationally and promote continuous improvement. This is supported by the debrief process for all homicides and other significant death enquiries which identifies areas for Organisational Learning and Development.

HGR also work in close partnership with COPFS and SPA Forensic Services to review and investigate historic and unresolved homicide enquiries in order to ascertain if there are any new evidential developments, including advances in forensic techniques, which could assist in providing a basis for criminal proceedings.

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 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 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.