

Our Ref: IM-FOI-2021-2848
Date: 21 January 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I must first 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.

Note: For clarification purposes a homicide can be recorded as detected but can still remain unresolved as set out in the criteria above.

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- 1. How many murders across Scotland were classified as unsolved by legacy forces prior to the inception of Police Scotland on April 1, 2013?**
- 2. How many of these unsolved cases have subsequently been solved by Police Scotland?**
- 3. Could you provide basic details of each murder solved by Police Scotland that had previously been unsolved by legacy forces? This would include the name of the victim, location and date of the crime and the legacy force involved in the original 'unsolved' investigation.**

I have considered your request under the Act and must advise you that I am unable to provide you with the very specific 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.

Information of varying degrees of complexity, are frequently requested in terms of Freedom of Information legislation and, as with all information released into the public domain, a corporate responsibility exists to ensure that said information is both accurate and reliable.

Due to the operational nature of the requested information, it is not held in a format which allows us to easily retrieve accurate statistical information. Moreover the information is dynamic and is constantly developed and updated.

In order to *accurately* facilitate this request, initial checks have confirmed that an officer would have to go back through each and every year's data set and compare information across thousands of file entries from multiple search parameters and databases. To put this into context, the earliest recording date used by the police in Scotland for homicide data is 01/01/1960. Accordingly, this is an exercise that would far exceed the 40 hour time threshold and the cost limitations of the Act.

Homicides are, by their very nature, extensively covered in the media and you may be able to gather some of the information you have requested by searching national media reports.

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

[What's Happening - Police Scotland](#)

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to

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foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.