| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-3125Responded to: 20th December 2023 |
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Your recent request for information is replicated below, together with our response.

**A recent FOI response from Police Scotland (Ref: FOI 23-2781) contains the following information:**

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

**Would it be possible to confirm whether the knife that was found in the skip at Home Farm, Midlothian in early July 2003, was ever forensically tested? The knife was found within days of the murder of 14 year old Jodi Jones from Easthouses.**

**Jodi's murder was a high profile case and media articles have stated that the knife was never tested, it would be much appreciated if you could confirm whether this was the case. Thank you.**

**The response:**

**Police Scotland can confirm that the knife was recovered and submitted to the forensic laboratory for examination.**

**The response does not answer the question that had been asked. The question was not had the knife been sent for testing. The question was had the knife been forensically tested?**

**Please could Police Scotland look into this and provide an answer as to whether the knife was forensically tested?**

The knife was forensically tested.

**If so, what were the results of that testing?**

Police Scotland do not hold this information. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

Forensic services are provided by the Scottish Police Authority. You may wish to contact them for this information. They can be contacted at FOI@spa.police.uk

**Also, when were Police Scotland first made aware of this knife?**

**When exactly did Police Scotland recover this knife?**

**Lastly, can Police Scotland describe this knife in exact detail in terms of size, make and model etc?**

In regards to your final three questions, in terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with a copy of the documents requested.

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:

Section 34(1)(b) – Investigations

Section 35(1)(b) – Law Enforcement

Section 39(1) – Health, safety and the environment

**Section 34(1)(b) – Investigations**

**Section 35(1)(b) – Law Enforcement**

**Section 39(1) – Health, safety and the environment**

Section 34(1)(b) of the Act provides an absolute exemption from disclosure in that information is exempt information if it has at any time been held by Police Scotland for the purposes of an investigation which may lead to a decision to make a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted.

In regards to Section 35(1)(a)(b) and 39(1), as per the above, release of this information would be likely to prejudice substantially the ability of the police to investigate and detect crime, and would have a similar detrimental impact on the apprehension or prosecution of offenders.

It would provide an insight into murder investigations and would be extremely useful for criminals and those intent on wrongdoing and would assist them in circumventing the efficient and effective provision of law enforcement by the police service, which in turn would have an adverse impact on the safety of the officers involved and the general public.

This would increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

These are non-absolute exemptions and requires the application of the public interest test.

**Public Interest Test**

Public awareness would favour a disclosure as it would contribute to the public debate surrounding a high profile murder investigation and the police handling of such an enquiry.

I would, however, contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.

Accordingly, at this time the public interest lies in protecting the integrity of investigative and criminal justice procedures by refusing to provide the information sought.

I appreciate that there is a public interest in relation to police investigations and in particular murder investigations. That said, it is essential that neither investigations nor the potential for proceedings to be brought against an individual are put at risk.

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.