

10th April 2017

Freedom of Information Request - Reference No: 20170562

REQUEST

1) How many unsolved murders does your police force hold records for.

2) For each case, can you please list their name (if known), age at time of death, the date they were killed (if known), when and where the body was found, where they previously lived (if known) and any other key pertinent details such as likely cause of death.

3) If the case is currently open or closed.

RESPONSE

I contacted a Detective Inspector within the Major Crime Unit for assistance with your request. He has provided me with all pertinent information. Having reviewed the data, I am unable to provide this to you in full:

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a. states that fact,
- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

**Section 30- (1)(a)(b)- Investigations and Proceedings Conducted by Public Authorities
Section 38 - Health and Safety (1)(a)**

As Section 30 and Section 38 are both class based exemptions, I am required to carry out a Public Interest Test in respects of disclosure. Although I am not required to provide evidence of harm under the Section 30 exemption, I have provided some information that demonstrates how the disclosure of information pertinent to your request may prove harmful.

HARM

It is important to state that a response to a Freedom of Information request is not just published to the requestor, but also to the world as well, by its possible publication on the forces disclosure log. Therefore, any material provided within the response could be potentially viewed by anyone who wished to see it.

I have assessed each of the records on a case by case basis to ascertain if the information requested is suitable for release. Your request asks for the name, age, sex of the victims and the circumstances of the offences. The Data Protection Act only protects the personal information of living individuals. In addition, the majority of the information you require will already be in the public domain by press releases.

However, I am of the opinion that 1 of the current undetected cases falls within the above exemptions. This case is not in the public domain and is still remains under review.

As the information relates to an undetected murder, we would not wish such sensitive information to be released into the public domain, as it could compromise any further lines of enquiry and the integrity of the investigation.

I am also of the view that the release of the information you request is likely to cause significant upset or distress to the relatives of the victim, due to the nature of the crime, combined that this is not in the public domain, and the sensitivities involved.

PUBLIC INTEREST TEST

Section 30 – Favouring non- Disclosure

- Any current and/or future investigations into this case could be compromised, by the release into the wider public domain of specific sensitive investigation material relating to the matter.
- Individuals may be reluctant to come forward and provide information if they believe that details relating to the investigation could be released, via an FOI request, whilst the enquiry is ongoing.

Section 30 – Favouring disclosure

- The public would have a better understanding of how investigations are conducted by South Yorkshire Police and the public funds used to investigate such cases.

Section 38 – Favouring non Disclosure

- The distress that may be caused to the family concerned, by the release of material into the wider public domain.

Section 38 – Favouring disclosure

- The public would have an better understanding of how investigations are conducted

Balancing Test

I have carefully considered your request for information. The key test when considering the public interest is to establish whether in all the circumstances of the request, the public interest in disclosing the information is not outweighed by that in maintaining the exemption

I am of the opinion that the strongest reason for withholding information is that the case identified is currently undetected, and further investigations could be compromised by releasing material pertinent to your request. This has to be set against the strongest reason for the disclosure of information, which in my opinion, is that disclosure demonstrates the transparency of police operations.

As we have already stated, a Freedom of Information request is not just a release to the person making the request, but also to the world. It cannot be clear at present what effect disclosures made by a Freedom of Information response may have upon such an investigation. We would not also wish to cause any unnecessary distress to the families of the victim by a public release of information so short after the offence data

Therefore, at this time, the public interest favours non-disclosure and this offence information is withheld.

I am however prepared to release the data relating to the remaining cases, as such details are already in the public domain and which, in my opinion do not engage the exemptions above.

Please note: I understand that the figures may differ from those in our previous response from 2014, however, the DI has provided the following explanation which may give some context:

Previously SYP has published a list of undetected homicides on the Force internet site, this has consisted of Murders and Manslaughters that was maintained by the Major Incident Team and actually appears to be enquiries that remained "unsolved." This is different to the actual number of murders recorded on the Crime Management System (CMS) as "undetected," ...

There are a number of reasons why these have not been included on previous lists, but they include cases where self-defence has been accepted by the Crown Prosecution Service or there is not sufficient evidence to prove a substantial link to the death. Therefore, no further enquiries are required but they are correctly recorded as undetected murders.