

11th September 2018

Freedom of Information Request – Reference No:20181174

REQUEST

I am writing to you under the Freedom of Information Act 2000 to request the following information from South Yorkshire police force.
Please provide the number of unsolved murder cases in your constabulary's area from January 1st 1968 — January 1st 2018.
I would also like the breakdown of how many of those unsolved murder cases have female victims and how many have male victims.

CLARIFICATION

Please could you clarify the following point(s): -
South Yorkshire Police has received a number of similar requests to yours in the past.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/undetected-murders-ref-20170562/>

FROM THE REQUESTER

The information you have sent is what I was looking for - can I just clarify that since that request was made on 10th April 2017, that there are no new unsolved murders in your constabulary?

RESPONSE

I contacted a Detective Inspector within the Major Crime Unit for assistance with your request and the updated data. 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)**

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.

The information requested to update a previous FOI request has to be considered. The data has been assessed previously to ascertain if the information requested is suitable for release. The Data Protection Act only protects the personal information of living individuals. In addition, the update of the information you require will already be in the public domain by press releases.

As stated previously with the release in past of this type of data, there is case that 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

The request for information has been considered. 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

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.

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

I am prepared to release the updated 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:

The Detective Inspector in the Major Crime Unit has provided the following explanations/caveats of the information:

The figures have been taken from the latest report regarding unsolved murders (HO Office Counting rules)

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.