



SCOTTISH POLICE  
AUTHORITY  
ÙGH DARRAS POILIS NA H-ALBA

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## LETTER SENT BY EMAIL ONLY

27 June 2025

FOI Ref 2025/26-030

### Request

Your request for information dated 13 June 2025 is copied below.

In previous FOI responses issued by SPA (Check FOI 2023/24-070, 2024/25-028, 2024/25-040R, 2024/25-052, 2024/25-064R) you acknowledged that staff images of the Police search of the skip, in relation to the murder of Jodi Jones, were held by yourselves but that no images of the item they were sent to find and recover (the knife and tip of the knife) were ever held by the SPA.

Based on that, where did the very detailed description of the yellow plastic knife come from if there were no images of it held by the SPA?

When did the SPA receive this information about the yellow plastic knife?

Why did nobody in the SPA notice or flag that although there were images of the Police staff carrying out the search there were no images of the item (the knife) they were sent to find and recover, which by any reading was the whole point of the search. This seems to suggest two separate failings, first from the Police and then from the SPA.

Can the SPA release the images that they do hold, by redacting/blocking out the faces and any possible identifiers, of the officers/staff carrying out the search as important information may have been captured in the images?

### Response

The Scottish Police Authority has considered your request under the Freedom of Information (Scotland) Act (FOISA).

In terms of part one of your request, "Based on that, where did the very detailed description of the yellow plastic knife come from if there were no images of it held by the SPA?"

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The description provided in response [FOI 2023/24-070](#) is taken from the biology laboratory court report, which is based on case notes, which detailed the examination of this knife.

In terms of part two of your request, "When did the SPA receive this information about the yellow plastic knife?"

We would refer you to response [FOI 2023/24-070](#) which provided information held regarding when the knife was sent and received to the Forensic laboratory. This stated the knife was "submitted to the lab on the 20th August 2003."

In terms of part three of your request, "Why did nobody in the SPA notice or flag that although there were images of the Police staff carrying out the search there were no images of the item (the knife) they were sent to find and recover, which by any reading was the whole point of the search. This seems to suggest two separate failings, first from the Police and then from the SPA."

FOISA allows members of the public to seek access to recorded information already held by Scottish public authorities. The Scottish Police Authority does not hold any information that would answer this question.<sup>1</sup>

This case pre-dates the establishment of the Scottish Police Authority and Forensic Services in 2013. At the time of the offence the case would have been managed by the legacy police force.

Information may be available by contacting Police Scotland at [foi@scotland.police.uk](mailto:foi@scotland.police.uk)

To assist, SPA Forensic Services can advise that it is not standard practice to photograph, in situ, every production recovered during a police or Police Search Advisor (POLSA) search.

In terms of part four of your request, "Can the SPA release the images that they do hold, by redacting/blocking out the faces and any possible identifiers, of the officers/staff carrying out the search as important information may have been captured in the images?"

The Authority can confirm that information is held. However, this is considered exempt for the following reasons.

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<sup>1</sup> This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

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The information is held by SPA Forensic Services for the purpose of an investigation,<sup>2</sup> which was subsequently subject to criminal proceedings.<sup>3</sup>

These exemptions are “class-based”. This means that the exemption applies if the information falls within a particular class of information. Unlike other exemptions we are not required to demonstrate that disclosure would cause harm. However, we are required to apply the public interest test.

### Public Interest Test

The public interest in favour of disclosure of the requested information:

- This would adhere to the basic principle of being open and transparent.

The public interest factors in favour of maintaining the exemption being:

- This case has been subject to court proceedings and subsequent [appeal](#). The courts decisions are a matter of public record. It is considered that the public interest in this investigation and case has been served through the judicial process.
- There are established processes in statute and at common law for the disclosure of evidence in criminal proceedings (see e.g. the Criminal Justice and Licensing (Scotland) Act 2010, Part 6). SPA Forensic Services also has an established process through the [Defence Access Policy](#) to ensure that defence agents and independent forensic science experts have consistent, fair and transparent access to productions and specific information held by Forensic Services. The public interest lies in maintaining and protecting these established routes to support an efficient and effective criminal justice system and ensure the security of SPA Forensic Services information and data.
- The public interest lies in protecting police and forensic investigation operations to be carried out effectively and securely.
- There is a dedicated statutory body, the [Scottish Criminal Cases Review Commission](#), which investigates alleged miscarriages of justice. The Commission has significant powers to recover evidence

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This represents a notice in terms of Section 34(1) of the Freedom of Information (Scotland) Act 2002. Information will be exempt from disclosure if at any time, it has been held by a Scottish public authority for the purposes of:

<sup>2</sup>34(1)(a) - an investigation which the authority has a duty to conduct to ascertain whether a person should be prosecuted for an offence; and

<sup>3</sup> 34(1)(c) - criminal proceedings instituted in consequence of a report made by the authority to the PF.

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of the kind requested. There is a strong public interest in maintaining established statutory routes for recovering evidence of this nature.

- While we appreciate that you may have a specific interest in the information held, the Authority does not believe that the wider public interest test is met on this occasion.

Therefore, on balance, our conclusion is that maintaining the exemptions outweigh that of disclosure.

**Right to Review**

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email to [foi@spa.police.uk](mailto:foi@spa.police.uk) or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to [enquiries@foi.scot](mailto:enquiries@foi.scot) or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) in seven days' time.

Yours faithfully

**Scottish Police Authority**

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