



## LETTER SENT BY E-MAIL ONLY

03 May 2024

2024-25-002

### Freedom of Information (Scotland) Act 2002

#### Request

Please find below our response to your correspondence dated 5 April 2024, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

I just received a response to a previous request regarding the Sumi knife in the production list for the Luke Mitchell trial (Production 68a and FOI request 2023-24-113). Your response and answers are much appreciated.

Are you able to please confirm whether the human blood on the knife was matched to any individual? (no personal details/name is requested)

Are you able to please confirm whether the blood on the knife matched to any samples taken from the crime scene?

#### Response

Your request for information has been considered and the Scottish Police Authority is able to provide a response to your first question.

**Are you able to please confirm whether the human blood on the knife was matched to any individual? (no personal details/name is requested)**

As was reported in the Forensic Court report at the time, the human blood on the knife was matched to the accused.

Regarding a response to your second question.

## **Are you able to please confirm whether the blood on the knife matched to any samples taken from the crime scene?**

To provide you with the information requested would prove too costly within the context of the fee regulations. The current cost threshold is £600. We estimate that it would cost more than this amount to locate, retrieve and provide the information sought.

The Authority has assessed that the £600 cost limit within the Act equates to 40 hours of work and so your request would exceed the cost threshold<sup>1</sup>.

To explain, Forensic Services was established in 2013. This was after the case in question. This case was legacy Lothian and Borders Police. Given this is an historic case there will be a requirement for case records from legacy Lothian & Borders Police and Tayside Forensic laboratory records requiring.

- search and source from physical archive store which is offsite. This would require significant review of casefiles to be pulled from archive, which would then require Chain of Custody and transportation to Forensic Services laboratory for review.
- search and source from archived legacy IT systems which would require scientific specialist to manually evaluate/review as the records are from a legacy force/laboratory therefore format and content may vary or require additional time to access.

By way of assistance, all the examinations and results from items recovered from the crime scene are as detailed in the Forensic Court Reports.

Information may be available by contacting [COPFS](mailto:COPFS) at [FOI@copfs.gov.uk](mailto:FOI@copfs.gov.uk) and the [Scottish Courts and Tribunals Service](http://www.scotcourts.gov.uk) at [foi@scotcourts.gov.uk](mailto:foi@scotcourts.gov.uk)

### **Right to Review**

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

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<sup>1</sup> This represents a refusal notice in terms of Section 12 of the Freedom of Information (Scotland) Act 2002 – Excessive Cost of Compliance.

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@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) 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](#) after seven days.

Yours faithfully

**SPA Corporate Management**