



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00061

**Keyword:** Crime

**Subject:** MALE RAPE

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information you requested and the answers to your questions are as follows.

#### Question 1

Please advise the number of reported rapes of males by males in NI for each of the past 3 years.

#### Answer

I have been advised by our Central Statistics Branch that the number of recorded rapes (including attempts) **where the victim is male** for each of the last 3 years is as follows

05/06	06/07	07/08
35	47	26

#### Question 2

Please advise date and location of each alleged incident.

#### Answer

Your request for information with regard to question 2 has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

S 30 Investigations and proceedings conducted by the public authority

S 38(1)(a)& (b) - Health & Safety and

S 40(2) Personal Information, of the Freedom of Information Act.

Section 38 is a Prejudiced based exemptions, and this means it is the Public Authority's responsibility to evidence the harm.

Section 30 and 40 are Class based exemptions, and this means that the legislators have agreed there would be harm if this information were released.

Sections 30, 38 and 40 are Qualified exemptions and, therefore, a Public Interest Test must be carried out. Please find both tests listed below.

### **HARM TEST**

Under the Freedom of Information Act (2000) any information released under FOI is released in to the public domain, not just to the individual requesting the information.

Police investigations are conducted with due regard to the confidentiality and privacy of all parties involved, i.e. victims, offender and witnesses. There is an expectation that details provided are to be used only for the purpose for which provided, in this case for the purpose of a criminal investigations into rapes and attempted rapes where the victim is male.

Releasing details, which may lead to the identity of any party may prevent future victims or witnesses of crime from coming forward for fear of identification. This will lead to unreported crime and a loss of confidence in the PSNI to investigate such cases. Underreporting of crime leads to an increase in undetected crime, which has an adverse affect on the community. This may result in individuals not being brought to justice.

The release of this information could also potentially impact on any future rape investigations, it is suggested that as many as 80% of rapes are still unreported. One of the contributing factors to under reporting is the victim's perceptions that they will not be believed. We are seeking to increase reporting to increase detections and secure prosecutions. To publish details of reports may discourage further victim's from coming forward, thereby reducing our ability to detect offenders and increasing the risk to the public. As a large percentage of rapes are carried out by people known to the victim providing this information may help identify not only home addresses but victims and offenders too.

### **PUBLIC INTEREST TEST**

#### **Factors favouring disclosure**

##### **Accountability**

The information you have requested relates directly to the efficiency and effectiveness of the service and it's officers when investigating alleged rapes.

##### **Human Rights, Morals and Ethics**

The public interest may be served by providing individuals with information of particular reference to them and their situation, for example; information that would assist the applicant to understand the steps taken by the Service when dealing with a rape investigation i.e. procedures.

#### **Factors favouring non-disclosure**

##### **Investigations**

The information you have requested falling within the scope of this exemption could cause harm if disclosed, release of this information could potentially impact on any future review and rape investigations as a whole as it would reveal sensitive information known only to the Police, victim and suspect.

## **Interests of third parties**

Where third party interests might be jeopardised by the release of information that relates to their identity or personal affairs.

## **Flow of Information to the Service**

A decrease in public confidence may lead to a reduction in support for the police service, victims coming forward, and would deter the public from reporting matters to the police, resulting in victims under reporting matters. This would have a negative impact on the effectiveness and efficiency of the PSNI.

## **BALANCING TEST**

On balance the requirement to withhold information relating to criminal investigations together with personal information, the release of which may effect the health and safety of individuals and jeopardise any future investigations must take precedence over the important issues of accountability and Human Rights, Morals and Ethics. In addition, if PSNI were to release personal data, they would be in breach of the Data Protection Act. At this time, it would not be in the Public Interest to release the information.

Any publishing at a later date of information about a rape crime will normally be carried out with the assistance and consent of the victim. If police release detailed information about the specific dates/locations and a victim reads or views this information in a newspaper or television programme without firstly being informed, there is a strong risk that it could cause the individual a sufficient level of shock or distress as to affect their physical and mental health / well-being. It could also assist a culprit if the rape has not been reported.

It may cause a victim to relive the incident together with the trauma and fear that was initially experienced. Each victim can deal with the crime in a different way depending on their circumstances but the Police must be aware of the possibility of any detrimental health impact.

However I am sure you will accept that addressing any harm and public interest requires careful consideration and in view of all the issues involved, I feel that although the exact dates and locations have been withheld, the following information with regard to the 108 reported offences should be released as part of your request.

58 occurred in a Dwelling  
16 occurred in a Road/Street  
5 occurred in a Public Place  
3 occurred in a Car Park  
2 occurred in Place of Worship  
2 occurred in Residential Home  
2 occurred in a Public Building and a further  
20 occurred in areas which included for example - countryside, educational establishments, gardens and lavatories.

### **Question 3**

Please advise the number of occasions where more than one male was reported to be involved in the rape.

### **Answer 3**

The information required to respond to question 3 is not recorded separately on our computer systems and to ascertain this would require a manual inspection of every record for a recorded rape which would take well in excess of the time permitted within the legislation and because of this the cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information Regulations 2004, which is currently set by the Secretary of State at £450.

The Police Service of Northern Ireland have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit however because it is necessary to contact all districts and the nature and structure of the information unfortunately makes this impossible.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice in relation to question 3 and this has therefore been closed.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this

email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk)

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.