



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-03038

Keyword: Operational Policing

Subject: Allegations Made Against Those Working At Madrassas And Mosques

Request and Answer:

This is to inform you 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

The number of complaints or allegations you have received or been notified of in the past three calendar years of sexual abuse of a child or children while attending a madrassa or mosque.

Question 2

Please provide a breakdown of this number by year, i.e. expressed as separate figures for 2009, 2010 and 2011.

Question 3

For each allegation, I would like to know whether it was investigated by your Force, whether anyone was arrested, whether anyone was charged and whether there was a prosecution. If not, please provide the reasons why matters were not pursued to court.

Question 4

Please also provide details of any resulting convictions and sentences or acquittals.

Question 5

The number of complaints or allegations you have received or been notified of in the past three calendar years of physical abuse of a child or children while attending a madrassa or mosque.

Question 6

Please provide a breakdown of this number by year, i.e. expressed as separate figures as above.

Question 7

For each allegation, I would like to know whether it was investigated by your Force, whether anyone was arrested, whether anyone was charged and whether there was a prosecution. If not, please provide the reasons why matters were not pursued to court.

Question 8

Please also provide details of any resulting convictions and sentences or acquittals.

Answer

In regard to the years 2009 and 2010 I can confirm that the PSNI has no information in relation to your request and that there have been NO complaints or allegations in regard to sexual abuse of a child or children while attending a madrassa or mosque.

In accordance with the Act, this letter represents a Refusal Notice for the year 2011 part of your request. The Police Service of Northern Ireland (PSNI) can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

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

The Police Service of Northern Ireland can neither confirm nor deny that it holds any other information in relation to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 30(3) Investigations
Section 31(3) Law Enforcement
Section 38(2) Health and Safety

Section 30 is a class based qualified exemption and consideration must be given as to whether there is a public interest in neither confirming nor denying the information exists is the appropriate response.

Sections 31 and 38 are prejudice based qualified exemptions there is therefore a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Harm in Confirming or Denying that the Information is held

The information captured by this request may include recent serious sexual offences such as rape. The request also defines a very specific group of victims and offenders. If forces were to confirm, for example, that they had received a recent allegation of rape committed by a teacher against a pupil, this could provide information to an offender about the current status of an investigation and give them an opportunity to impede the investigation by destroying evidence/leaving the country etc. Conversely, if a force holds no information about a recent rape committed in the circumstances specified, an offender would then know that an offence he/she committed had not been reported, which could encourage them to continue their offending behaviour against the same or other victims.

Public Interest Considerations

Section 30 and Section 31

Factors favouring Confirmation or Denial

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting

the communities we serve so there is a public interest in the transparency of policing operations to ensure investigations are conducted appropriately.

Factors Against Confirming or Denying

An investigation would be prejudiced and the right to a fair trial would be undermined. Disclosing this information could affect ongoing police investigations as the alleged perpetrators could go underground, destroy evidence or intimidate witnesses. Disclosure would also hinder the prevention or detection of crime.

Section 38

Factors favouring Confirmation or Denial

Confirmation as to whether the information is or isn't held could provide a better awareness to the general public in regard to specific current crime and enable the public to take steps to avoid certain situations or areas.

Factors Against Confirming or Denying

The Police Service will never confirm whether or not information is held if to do so could jeopardise the health and safety of any individual or undermine public confidence in PSNI ability to protect the wellbeing of the community or its employees. Confirmation of current investigations and alleged perpetrators could lead to vigilante groups taking the law into their own hands and also instigate occurrences of Hate Crime towards those perceived to be offenders by association. Mis-identifications are also known to have occurred (for example the riots in Paulsgrove Hampshire) where the health and safety of innocent individuals and those enforcing the law, were put at risk.

Decision

The delivery of effective law enforcement and public safety is of paramount importance and the Police Service will not divulge information if to do so would place the safety of an individual at risk or compromise an investigation. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosing this information is not met.

No inference should be taken that any further information does or does not exist in relation to your request.

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 letter.

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.

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 @ www.psni.police.uk

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