



FREEDOM OF INFORMATION REQUEST



Request Number: F-2017-03536

Keyword: Crime

Subject: Domestic Violence On Christmas Day

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000.

Request

During Christmas Day how many of the following incidents did your force deal with

Domestic Violence

For the purposes of this FOI the definition of DV is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

Please provide

- A. Details e.g. Threats, Violence, Abuse
- B Number of arrests if any if there were.
- C Gender (as disclosed by any victims)
- D Gender of any suspect (as disclosed by any suspect where known)
- E. Age of victims if known

Time frame: The 24hrs that are Christmas Day so

TAKEN AS 2017

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The ‘appropriate limit’ is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the ‘Fees Regulations’ for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the ‘appropriate limit’).

I contacted PSNI Statistics Branch who holds the information in both an electronic and manual format. The information is recorded on the computer of incidents recorded with a domestic abuse motivation (as per PSNI definition below), however to identify ‘arrests’ (request B) ‘gender’ (request C) (as disclosed by any victims) – where a crime has not been recorded, a manual trawl of records would be required to establish the gender of persons involved in the incident (whether or not they would be regarded by PSNI as a victim). This also applies to ‘gender of any suspect’ (request D) as again each record would need to be read through to establish/identify any suspects and their gender. This is estimated to respond to the request would take a minimum of 21 hours which would be in excess of the FOI legislative costs of 18 hours.

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

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the ‘appropriate limit’. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit; and it may be possible to provide the number of incidents recorded on 25th December with a domestic abuse motivation (as per the PSNI definition) at (request A), where one or more crimes have been recorded against a domestic abuse incident, PSNI can provide the type of crime. For incidents where a crime has not been recorded, PSNI can provide the first main-type code used to close the incident on Command and Control system (C&C). Request C ‘Gender’ (as disclosed by any victims) – where a crime has been recorded PSNI can provide the gender of the victim and request E ‘victim age’ but only as outlined in request C.

The PSNI has adopted the definition of domestic abuse as outlined in the 2016 Northern Ireland Government Strategy ‘Stopping Domestic and Sexual Violence and Abuse in Northern Ireland’ as:

‘threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member’.

The following will assist in the application of this definition:

(a) **'Incident'** means an incident anywhere and not confined to the home of one of the partners/family members;

(b) **'Family members'** include mother, father, son, daughter, brother, sister, grandparents, whether directly or indirectly related, in-laws or stepfamily.

(c) **'Intimate partners'** means there must have been a relationship with a degree of continuity and stability. The relationship must also have had (or reasonably supposed to have had) a sexual aspect, such as in the relationship between husband and wife or between others generally recognised as a couple including same sex couples.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this 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.psnj.police.uk

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