



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02975

Keyword: Crime

Subject: Mobile Phones Seized From 2015 - 2018

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 1

RAPE: for each of the last four years (2015, 2016, 2017 and to today’s date in 2018):

The number of phones that were seized. If possible, please break this down by month. Please also specify the number that belonged to suspects, complainants or witnesses.

Request 2

The number of suspects who refused to provide access to their mobile phone, broken down annually. Broken down annually, the number of mobile phones that were examined by police belonging to complainants.

Request 3

The percentage of complainants who had their phones examined.

Request 4

Where phones belonging to complainants were examined, please state how long these were kept for before being returned to the complainant. If possible, please break this down into the following categories:

24 hours or less

Between 1 and 7 days

Between 7 days and four weeks

Between 1 month and 6 months

Between 6 and 12 months

12 months or more

Request 5

Other sexual offences (i.e. not including rape) for each of the last four years (2015, 2016, 2017 and to today’s date in 2018:)

Request 6

The number of phones that were seized. If possible, please break this down by month. Please also specify the number that belonged to suspects, complainants or witnesses.

Request 7

The number of suspects who refused to provide access to their mobile phone, broken down annually.

Request 8

The percentage of complainants who had their phones examined.

Request 9

Broken down annually, the number of mobile phones that were examined by police belonging to complainants.

Request 10

Where phones belonging to complainants were examined, please state how long these were kept for before being returned to the complainant. If possible, please break this down into the following categories:

24 hours or less

Between 1 and 7 days

Between 7 days and four weeks

Between 1 month and 6 months

Between 6 and 12 months

12 months or more

Request 11

Suspects on bail

The number of suspects of each of the following crime types who are currently bailed pending examination of their mobile device:

Rape

Sexual offences against children

All sexual offences, including rape and offences against children

Answers

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 Public Protection Unit (PPU), and within this unit there various branches that investigate cases relevant to your request. In particular Rape Crime Unit (RCU) who investigates approximately 900 reported rapes and sexual assault by penetration per year and we are being asked to consider each mobile phone seized as part of these investigations over a 4 year period. To respond to your request would require each individual occurrence to be examined to ascertain if mobile phones are among the seized property and if they relate to a Victim, Suspect or Witness. A search of the NICHE computer system shows that a total of 1005 mobile phones were seized during the period requested however these figures would include all victims both adults and children.

To ascertain the number of suspects who refused access to their mobile phone, each individual occurrence log is required to be examined to ascertain the details and the reasons for the suspect refusing. In terms of the number of suspects bailed solely for mobile phone analysis, again would involve each individual suspect to be looked at, and their bail rational examined as in the majority of PSNI investigations suspects are bailed pending multiple lines of enquiry including witness statements, forensic analysis, computer data in addition to telephones. If this information is not available electronically from NICHE then enquiries would have to be followed up manually with the investigating officer or seizing officer to check case papers and notebooks to establish the category of person from whom the device was seized which again would be a manual trawl.

In response to your request regarding 'other sexual offences', an initial search of the computer system for all sexual offences (other than rape) produced a total of 2121 results. A further search of the system including child abuse and child pornography produced a total of 2878 results.

In response to your request regarding 'suspects on bail' regarding the number of suspects of each of the following crime types who are currently bailed pending examination of their mobile device Rape, Sexual offences against children, all sexual offences, including rape and offences against children, an initial search with all above sexual offences where mobile phones have been seized for cases currently sitting "new", "enquiries ongoing" or "awaits report" returned a total of 1093.

From the detailed explanations provided above and the PSNI recording system which would straddle both electronic and manual records it is estimated that your request would grossly exceed the FOI legislative cost of 18 hours as set by the 'Secretary of State'.

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: unfortunately due to the PSNI recording system and the detailed explanations provided on this occasion refinement is not possible.

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.psni.police.uk

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