

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00023

Keyword: Crime

Subject: Rape Cases

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) we 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.

We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of Section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

You requested the following information from PSNI:

Request 1

How many rapes were reported to your police force in 2021? (Or the most recent 12 month figures you have).

Request 2

How many stranger rapes were reported to your police force in 2021? (Or the most recent 12 month figures you have).

Request 3

How many historic / non-recent rape cases were recorded in 2021? (Or the most recent 12 month figures you have).

Request 4

How many historic / non-recent rape cases were recorded in 2017?

Request 5

What percentage of rape cases are not put forward to the CPS?

Request 6

What percentage of all criminal cases are not put forward to the CPS?

Request 7

What percentage of crimes reported to your force are sexual offences?

Request 8

What is the average number of rape cases per workload of each detective assigned to such cases?

Request 9

What was the average length of time from charge to court for rape cases in 2021? (Or the most recent 12 month figures you have).

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').

Enquiries made in relation to your requests have identified that retrieval of this information would exceed the 18 hour cost limit set under the FOI Act by the Secretary of State. This information is not held in a retrievable format that provides the information without manual intervention and a comprehensive search would need to be conducted to retrieve this information. To respond to Request 2, there are a number of relationship fields on our database which would require searches to indicate whether or not the offender was known to the victim. However, this information is incomplete and the different fields can provide conflicting information. PSNI have identified approximately 250 records during the time period requested and these would need to be examined individually to see if the relationship could be identified. The relevant business area has estimated that this task would take 42 hours, grossly exceeding the legislative timescale of 18 hours. This estimation has not taken into account the time required, to respond to the additional requests.

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

Advice and Assistance

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, we have considered how your request may be refined to bring it under the appropriate limit, however, unfortunately on this occasion PSNI are unable to provide any refinement for this request.

However to assist, in response to Request 1, these figures will be published on the PSNI website on 27th January 2022 in the police recorded crime monthly update to 31st December 2021.

In response to Request 3 and 4, the Statistics Branch publishes the proportion of sexual offences that occurred more than 12 months prior to the report date for each financial year 1998/99 to 2020/21. These figures, along with the total number of rape offences recorded in each of these financial years, are available in Tables 2.1 and 2.2 of the Annual Trends Bulletin accompanying spreadsheet.

In response to Request 7, this information is available from Table 1 of the police recorded crime monthly update. This information is all available via the following link:

<https://www.psni.police.uk/inside-psni/Statistics/police-recorded-crime-statistics/>

In response to Request 9, this information may be held by the Department of Justice. Please note the Public Prosecution Service (PPS) is the department of the Northern Ireland Executive, responsible for public prosecutions of people charged with criminal offences in Northern Ireland.

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 Corporate Information Branch, 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 Corporate Information Branch, 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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

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 their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

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