

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00511

Keyword: Crime

Subject: Crimes Against The Elderly

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:

Clarification Sought

Can you advise what age group you define as elderly in terms of an age category e.g., 65+, 70+ etc.

Clarification Received

In relation to your query below may I ask what age the PSNI categorise as being ‘elderly’? That would be the age group I am interested in.

Request 1

How many crimes of suspected fraud or theft of money, against the elderly have been reported to PSNI in the past 8yrs?

Request 2

Of those crimes reported, how many have been investigated by police?

Request 3

Of those investigated by police, how many have been written off at local level due to lack of

evidence?

Request 4

Of those investigated by police, in how many cases has a file been submitted to the PPS with a recommendation of 'no prosecution'?

Request 5

Of those submitted to the PPS, in how many has 'prosecution' been recommended?

Request 6

Where 'prosecution' has been recommended, how many successful prosecutions have taken place?

Request 7

Where a successful prosecution has taken place, what is the average amount of money that has been stolen from the elderly victim? In other words, say there were 12 successful prosecutions in the past 8yrs and a total of £60,000 was stolen from the 12 elderly victims, then the average amount of money stolen would be £5,000 per victim.

Request 8

In how many cases where a successful prosecution has taken place, how many of the victims had passed away before the complaint was made? In other words, in how many cases where a successful prosecution has taken place has the offence only been discovered after the elderly victim has passed away?

Request 9

In how many cases has the PPS directed 'no prosecution' because the elderly victim did not make a complaint whilst they were alive?

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').

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate “to any extent” to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

The Record Owner has advised to answer this request would take over 18 hours to retrieve. There are over 130,000 theft offences recorded in this 8 year period and approximately 40,000 fraud offences recorded in this period. To review each incident in relation to Request 1 will take approximately 240 hours; that is to identify the age of the victim and the nature of the theft/fraud. Then to answer the remaining Requests is estimated to take approximately 30 minutes per incident. Therefore it would take approximately 85,000 hours to be able to answer this request, well over the 18 hours as laid out by the FOIA.

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

Under Section 16 of the FOIA, PSNI will always try to assist you to refine your request and provide advice where we can. PSNI has considered how your request may be refined to bring it under the appropriate limit and we can provide the following information, however on this occasion due to the PSNI recording system we are unable to offer you any refinement for your requests.

However this link might help as Prosecution statistics for Northern Ireland are produced by the Department of Justice not the PSNI.

<https://www.justice-ni.gov.uk/topics/prosecution-and-conviction-statistics>

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.