



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00613

Keyword: Crime

Subject: Rape Statistics

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 (PSNI) 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

Could you please provide the following separately for the years 2016-2017, 2017-2018, 2018-2019, 2019-2020 and finally 2020-2021.

I am requesting for the above mentioned years, separately and itemised:

Request 1

Total number of Rape allegations reported.

Request 2

Total number of arrests made in connection with the allegations of Rape.

Request 3

Total number of individuals either charged or remanded from Rape allegations.

Request 4

Total number of convictions from those either charged or convicted in relation to Rape allegations.

Request 5

Total number of Rape allegation cases that your force did not present to the Crown Prosecution Service.

Request 6

Total number of Rape cases that the Crown Prosecution Service pursued but the alleged victim dropped the charges.

Request 7

Total number of alleged Rapists who have been linked/accused previously and if possible the number of times they have been separately accused.

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').

PSNI can advise that 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. In terms of Requests 2 and 3, to identify the number of arrests/charges made in connection with these rape offences would require a manual examination of all relevant records. While arrest/charge details may be held on the same PSNI database as the recorded crime, there will also be arrests/charges held in linked serial. As a result, in order to obtain this information a manual examination of records would need to be conducted. In order to quantify the figures involved, there have been 4,900 rape offences recorded between 2016/17 and 2020/21. At an estimate of 10 minutes to manually examine each record, to retrieve information as per Requests 2 and 3 would take approximately 820 hours.

The time of retrieval would further be increased when considering Request 7. In order to ascertain

the total number of alleged rapists who have been linked/accused previously and the number of times they have been separately accused would consist of a manual trawl of 4,900 records. The search would require: all serials to be checked, the suspect nominal to be ascertained, a search of nominal for previous linked offences and lastly to ascertain if the arrest was for the Requested offence. This is estimated to take an average of 5 minutes per record, equating to 408 hours for Request 7 alone.

As a result, in order to retrieve information relevant to your Request is estimated to take 1,228 hours, thus grossly over the appropriate cost limit of 18 hours as set by the Sectary 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

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. On this occasion, PSNI can advise the following:

- Request 1 - The number of rapes recorded by police in each of the financial years 2016/17 to 2020/21 are published on the PSNI website, <https://www.psni.police.uk/inside-psni/Statistics/police-recorded-crime-statistics/>, Police Recorded Crime Annual Trends 1998/99 to 2020/21, excel spreadsheet Table 2.2.
- Request 2 and 3 – PSNI can provide the number of arrests and subsequent charges for rape, based on date of arrest. In this approach the figures will not link directly to the details provided in Request 1, i.e. it will include arrests for offences of rape which were recorded in previous financial years.
- Request 4 – We can advise that this question should be redirected to the Department of Justice.
- Request 5 – For information, there may be certain rape incidents with no case file attached. As such the data obtained will also show Rape allegations where the suspect is unknown so there would have been no case presented to the Public Prosecution Service for Northern Ireland.
- Request 6 - This would need to be obtained from the Public Prosecution Service for Northern Ireland. We note that they are attempting to keep track of witness attrition; however this is only being done when it gets as far as Crown Court. Please note that there isn't currently a method of capturing a case should a victim withdraw whilst the case is being considered or prior to reaching court.

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.psni.police.uk

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