

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2021-00386

Keyword: Crime

Subject: Crimes committed by under 16's

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 all of 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 crimes committed by those aged under 16 were recorded by your police force between March 1st 2020 and February 1st 2021?

Request 2

How many crimes committed by those aged under 16 were recorded by your police force between:

- January 1st 2018 - December 31st 2019
- January 1st 2017 - December 31st 2018
- January 1st 2016 - December 31st 2017?

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’).

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.

Enquiries made in relation to your request 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. The PSNI record **victim based** crime statistics which means it would be necessary to manually sift through each recorded crime from January 2016 to February 2021 to ascertain suspects and then further ascertain their age.

A previous FOI response has displayed the vastness of the request ‘*the number of crimes recorded for theft, drug offences, sexual offences, violence against the person, possession of weapon offences, racist motivated crimes, faith/religion motivated crimes (excluding hate crimes) for the financial year 2015/16*’ and the total was 79,428. It was estimated it would take in the region of 13,000 hours to examine these records and ascertain the age of the suspect. This estimate reflects the time taken to assess occurrences for a single year, and would be further increased for each year listed. This grossly exceeds 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.

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. In compliance with Section 16 of the Act, we have considered how your request may be refined to bring it under the appropriate limit and due to the PSNI recording system there is no refinement we can offer.

However to assist:

- PSNI cannot identify potential suspects for the reasons as articulated in the response; however each recorded crime can be allocated an outcome code. The Home Office code for 'Prosecution prevented – named suspect identified but is below the age of criminal responsibility'. PSNI can identify the number of crimes recorded 2017 to 2019 that have since been allocated this outcome code. However it should be noted that using the Home office, 'under age' outcome code does not provide any accuracy as the search will not return all of the occurrences required.

We can advise that PSNI publish an annual crime outcomes bulletin based on the Home Office Counting Rules which includes the outcome type 'Prosecution prevented - suspect under age' (Home Office guidance is 'prosecution prevented – named suspect identified but is below the age of criminal responsibility'). These figures are available for crimes recorded since April 2015 (i.e. from financial year 2015/16). The publication provides the percentage of crimes that have been given this outcome code but does not provide any breakdown of crime type.

The publication can be found at <https://www.psni.police.uk/inside-psni/Statistics/police-recorded-crime-statistics/> (Outcomes of Crimes recorded by the Police).

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 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.