



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-01858

**Keyword:** Crime/Incident Statistics Offences against a person

**Subject:** Threats To Kill

### 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](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 threats to kill against individuals or groups have the PSNI recorded in the past five years? (1 Jan 2017 to present day)?

#### Request 2

How many arrests have been made by PSNI as a result of threats to kill?

#### Request 3

How many people have been charged to court following arrest over threats to kill?

#### Request 4

Is there a breakdown by policing district of the amount of threats to kill recorded by police?

#### Request 5

Would it be possible to get a yearly breakdown of the amount of threats to kill recorded by police in the timeframe requested above?

## Request 6

How many people who have had a death threat recorded against them on the same timeframe as above have been killed?

## 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.

Enquiries made in relation to your request has identified that retrieval of information would exceed the 18 hour cost limit set under the FOI Act, by the Secretary of State.

In relation to Request 6, the information requested is held electronically on the PSNI computer system, however it is not held in a readily retrievable format which can be provided without manual intervention. In the five financial years 2017/2018 to 2021/2022 there has been 8,150 offences of threats to kill recorded. The retrieval of the desired information would require each of these threat warnings to be manually opened and reviewed against individual records. Although difficult to quantify, it is estimated the retrieval process for your request would grossly exceed the FOI

legislative of 18 hour cost limit.

**Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part of the request.**

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 have considered how your request may be refined to bring it under the appropriate limit. In relation to Request 6, unfortunately on this occasion refinement cannot be offered even for a shorter time period due to the PSNI recording system. However, PSNI can assist with the following;

#### **Requests 1, 4 and 5**

PSNI can advise the number of offences of 'threats to kill' are included in the police recorded crime figures and are published on the PSNI website, with figures available for each financial year 1998/99 to 2021/22. Threats to kill offences are recorded based on the following guidance in the Home Office Counting Rules:

#### **Clarification: Threat to kill**

- For an offence to be recorded, the offender's intent to cause the other to fear that it would be carried out must be present. A judgement needs to be made on the intent of the offender.
- Mere use of the word 'kill' is insufficient to record.
- The circumstances of the offence and victim's report need to be considered.

**Legal Definition: Threat to kill** - Offences Against the Person Act 1861 Sec 16, "A person who without lawful excuse makes to another a threat, intending that the other would fear it would be carried out, to kill that other or a third person shall be guilty ...".

**General Rule for recording:** One crime for each person to whom a threat is made. The intended victims may be unaware of the threat. If no specific intended victim, then count one crime only.

For your convenience we have provided the link to the police recorded crime figures publication below.

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

#### **Requests 2 and 3**

PSNI can provide the number of arrests/charges for the offence of threats to kill where the date of arrest/charge was during the time period requested. **However, if the request would be asking about arrests/charges arising out of the crimes recorded during this time period then this would require a manual search of each crime record to identify subsequent arrests/charges.**

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](mailto: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](http://www.psni.police.uk)

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