



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-01319

Keyword: Crime/Incident Statistics Drugs and Alcohol

Subject: Statistics on Spiking

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.

Clarification sent to you the Requester

Can you please confirm what an MO code is? PSNI are not aware of this term.

Clarification received from you the Requester

To answer your question, M.O. is shorthand for crime codes. So in this case, any crime codes that relate to spiking.

Request 1

For the previous 5 calendar years please provide the total numbers of spiking incidents reported, plus any figures available on such reports for 2023 (specifying period). Please search for this data by means of keyword searches of MO codes, using the terms 'spike', 'spiking', 'spiked', and crimes alleged under the following Home Office codes:-

- 005/10 Administering poison so as to endanger life
- 005/24 Use of noxious substances or things to cause harm and intimidate
- 008/02 Administering poison with intent to injure or annoy
- 088/05 Administering a substance with intent

Please could you provide this data broken down by year.

- a) 2018
- b) 2019
- c) 2020
- d) 2021
- e) 2022
- f) 2023 - latest available data

Request 2

For the reported crimes above, please state the number of cases referred to the CPS for a charging decision, and the number of convictions.

Please could you provide this data broken down by year.

- a) 2018
- b) 2019
- c) 2020
- d) 2021
- e) 2022
- f) 2023 (including latest available data)

Request 3

For each year please provide number of cases where a sample from the alleged victim was sent for forensic testing

Please could you provide this data broken down by year.

- a) 2018
- b) 2019
- c) 2020
- d) 2021
- e) 2022
- f) 2023 (including latest available data)

Request 4

Finally can you please attach MO codes from Jan 1st 2023 for spiking-related offences? I accept redactions may need to be made to remove personal information.

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').

There is no specific offence of 'spiking' by law in Northern Ireland. In order to obtain data regarding 'spiking' type behaviours, and whilst information may be held electronically a manual trawl of reports

would be required.

During the period January 2018 – March 2023 there were a total of 352 recorded offences of '5E Endangering Life - Administering poison so as to endanger life', '8N Assault with injury - administering poison with intent to injury or annoy' and '88C Other Miscellaneous Sexual Offences - Administering a substance with intent'. 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 in an attempt to retrieve this information. PSNI have identified 352 offences recorded during this period and allowing a conservative estimate of 10 minutes to review each individual incident would equate to approximately 58 hours, grossly exceeding the legislative timescale of 18 hours.

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. Subject to a new request PSNI can:

- Provide the number of recorded offences of '5E Endangering Life - Administering poison so as to endanger life', '8N Assault with injury - administering poison with intent to injury or annoy' and '88C Other Miscellaneous Sexual Offences - Administering a substance with intent', during the period January 2018 – March 2023. However, that these offences will not have been checked and therefore the circumstances may not match 'spiking'.
- Provide the number of recorded offences where the current assigned outcome is 'charged/summoned', during the period January 2018 – March 2023. However, that these offences will not have been checked and therefore the circumstances may not match 'spiking'.

For information, keyword searches are an unreliable method of collecting data from the Niche recording database because they rely on searching through unstructured data. This means that you cannot automatically determine the context of the term found in the search result and a manual review is almost always be required to decide if the result meets the criteria of the FOI request and retrieval will often exceed the appropriate cost limit.

For unstructured data fields we also cannot rely on the data having been entered in such a way as to identify those records that are relevant. Spelling mistakes, abbreviations and aliases can all affect the reliability of a keyword search. In addition, we do not have the ability to search for keywords within external documents stored in Niche, so the scope with which we can do a keyword search is limited.

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.