

Freedom of Information Request Reference N°: FOI 003355-18

I write in connection with your request for information received by Suffolk Constabulary on the 14 September 2018 in which you sought access to the following information:

1. *"Name of police force*
2. *Please confirm the total number of sexual offences reported to police that have taken place in the financial years 2015/16, 2016/17 2017/18 and 2018 to date where the perpetrator is under 18 and the victim is under 18.*
3. *Please confirm the total number of these reported incidents which took place on school premises as categorised by the Sexual Offences Act 2003:*
 - a. *Rape (s.1)*
 - b. *Assault by penetration (s.2)*
 - c. *Sexual assault (s.3)*
 - d. *Causing a person to engage in sexual activity without consent (s.4)*
 - e. *Rape of a child under 13 (s.5)*
 - f. *Assault of a child under 13 by penetration (s.6)*
 - g. *Sexual assault of a child under 13 (s.7)*
 - h. *Causing or inciting a child under 13 to engage in sexual activity (s.8)*
4. *The total number of perpetrators aged 10 years and under reported to police in the financial years 2015/16, 2016/17 2017/18 and 2018 to date.*
5. *Please provide further information about any cases reported to the police where the perpetrator is under 18 and the victim is under 18 between 2015 and 2018 **which took place on school premises.***

Where available, please include the financial year, the offence, the age and gender of the victim and the age and gender of the perpetrator and the outcome of the police investigation (e.g. NFA/suspect charged) in the relevant columns."

Response to your Request

The response provided below is correct as of, 2018.

Suffolk Constabulary has considered your request for information and the response is below.

1. Suffolk Constabulary
2. A search has been completed of the Constabulary's crime system for all sexual offences reported during the financial years 2015/16, 2016/17 2017/18 and 2018/19 to date, where the perpetrator is under and victim are under 18 years old.

The table provided below confirms the total number of sexual offences recorded within the parameters of the request, by offence and year. Please note that the data will include historic sexual offences as the information is based on date reported to the Constabulary as opposed to the date the offence occurred.

The information is based on the age of the perpetrator and victim being entered into the crime system and being entered correctly. This is a non-mandatory field and there will be occasions where the information has not been completed or where the date of birth details has been entered incorrectly. The data therefore excludes offences where either the victim or suspect, or both, date of birth has not been recorded.

Financial Year	Total recorded crime
2015/16	1150
2016/17	819
2017/18	985
2018/19	520
Total	3474

- Of those offences referenced above, the Constabulary has reviewed the location of each crime and extracted those where the premise is recorded as 'school'. Please note that this is also a non-mandatory field and relies on the information being correctly inputted at the time of recording. The data may also include occasions where an offence has occurred outside of the school grounds, however the school is the nearest identifiable landmark for the purpose of crime recording.

Offence	2015/16	2016/17	2017/18	2018/19
Abuse of position of trust: causing or inciting a child to engage in sexual activity		1		
Abuse of position of trust: sexual activity with child aged		1		
Adult abuse position of trust - cause/incite into sexual activity	1			
Adult abuse position of trust - sexual activity	2			
Assault by penetration				2
Assault of a child by penetration	1		3	2
Attempted - Causing or inciting a child to engage in sexual activity by Penetration	1			
Attempted - Sexual activity with a child no penetration			1	
Attempted - Sexual assault			2	
Attempted rape				2
Cause/incite into sexual activity - no penetration	1			



Cause/incite into sexual activity - penetration	2			
Causing a child to watch a sexual act			1	
Causing or inciting a child to engage in sexual activity no penetration			1	1
Causing or inciting a child to engage in sexual activity by Penetration	5			1
Engage in sexual communication with a child			1	
Exposure	3	1	5	2
Rape	3	5	11	2
Sexual activity	1			
Sexual activity with a child by Penetration	3	2	2	
Sexual activity with a child no penetration		1	3	2
Sexual assault	25	22	24	9
Grand Total	48	33	54	23

4. The total number of perpetrators aged 10 years and under reported to police for all offences, is provided below.

Children under the age of 10 years old are not considered to have reached an age where they can be held responsible for their crimes. Because they are under the age of 'criminal responsibility', they cannot be charged with any criminal offence.

Financial Year	Total
2015/16	10
2016/17	36
2017/18	52
2018/19	21
Total	119

6. The total number of offences reported to the Constabulary where the location is a school and the perpetrator and the victim were under 18, is provided in the table attached. The information includes the gender and age range of the suspect and victim, the offence and outcome.

There are 1,250 offences recorded with no Victim, Suspect or both date of births recorded. These have not been included as we cannot establish those that are relevant without manually reviewing each offence.



Please note that ages have been provided in age ranges to avoid identification of any individual. Additionally, some of the offences will still be under investigation.

The details of the specific ages for both victim and suspect have not been provided as a result of exemptions within the Act.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk Constabulary, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice which:

- (a) States that fact
- (b) Specifies the exemption(s) in question and
- (c) States (if that would not otherwise be apparent) why the exemption(s) applies.

The information is exempt from disclosure by virtue of the following exemption(s);

Section 40(2) – Personal information

Section 44(2) – Prohibitions on disclosure

Section 40 is an absolute; class based exemption and applies to third party personal data. This would not be released under the FOIA unless there is a strong public interest. This is because any release would breach the Principles contained within Article 5(1) of the GDPR and Part 2 of the Data Protection Act 2018.

By law, all victims of rape and other sex crimes, including children, are automatically guaranteed anonymity for life from the moment they make a complaint that they are the victim of a sex crime. This anonymity was once given only to victims of rape however; the Sexual Offences Act 1992 extends to victims of most other sexual offences. Therefore, it is the duty of the Constabulary to ensure this anonymity is not breached by a perceived risk of identification.

One of the main differences between the Data Protection Act and the Freedom of Information Act is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third party personal data, is exempted unless there is a strong public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life.



Principle (a) of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. When considering this principle, we first consider the lawfulness aspect in the disclosure of the relevant ages. The information pertains to special category data owing to the fact it relates to information concerning an individual investigation, which could identify a person's involvement with an offence. Lawfulness refers to occasions where disclosure would not breach statute or common law obligations.

In this case we consider the Human Rights Act 1998. Suspects and victims would not expect details to be processed in response to an FOI request, which may inadvertently identify their involvement with an offence. The Constabulary considers it would be in breach of the Human Rights Act by disclosing details of an offence that may identify them or the victim and therefore disclosure would not be lawful.

With regards to the fairness aspect, the processing of information should be in a manner that individuals would reasonably expect, not in a way that could result in unjustified adverse effects on them. In this case, the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification. Disclosure of this nature can equally lead to an individual being misidentified from the disclosure. The Constabulary has a duty to ensure data is processed in accordance with Data Protection Legislation. We feel in this occasion, it would not be fair to process this data outside of usual policing processes.

The Constabulary considers that the transparency element has been met by the provision of the information within the response.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing requirement for the processing of the information and would not be lawful or fair to the individuals in question.

It is for these reasons outlined above; that I feel the principle would be breached by this disclosure and the Section 40 exemption remains in place. I am not obliged to consider any further principle in my arguments.

This is an absolute, class-based exemption and, as such, there is no requirement to consider the public interest test.

Children under the age of 10 years old are not considered to have reached an age where they can be held responsible for their crimes. Because they are under the age of 'criminal responsibility', they cannot be charged with any criminal offence.

Children aged 10-14 can be convicted of a criminal offence if it can be proved that they were aware that what they were doing was seriously wrong.



Police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this force's response to your questions should not be used for comparison purposes with any other response you may receive.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Suffolk Constabulary is not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.



Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 40 working days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700