

28<sup>th</sup> January 2020

**Freedom of Information Request – Reference No: 2020159**

**REQUEST**

*Could you please answer the following questions by providing data for each of the most recent ten years (i.e. numbers for 2009, 2010, 2011 etc). Where possible, please provide the following numbers in a spreadsheet format.*

*1. What percentage of people chose not to pursue prosecution after reporting a rape or sexual assault to the police? Please show these percentages for each sex/age group (i.e. 20% of men who reported a sexual assault in 2009 chose not to proceed with a prosecution, 45% of those age 45-60 chose not to proceed etc etc)*

*2. For each year, what was the average amount of time between the rape being reported and the case being referred for prosecution?*

*3. What percentage of all people making a police report of rape or sexual assault received a request to review the contents of:*

*I. their phone*

*II. their laptop*

*III. their health records*

*IV. their school records*

*V. any other personal information*

*4. Does this police force have a budget allocated for dealing with rape and sexual assault reports? What is the budget? What is it as a percentage of the force's total budget?*

*5. How many rapes/sexual assaults were reported each year? How many rape kits were used each year? Finally, how many rape kits were tested each year?*

**CLARIFICATION**

Please could you clarify the following point(s): -

Q1- Q3

FOI legislation concerns recorded information within an organisation - public bodies are not obliged to create/work out data/ percentages or averages to facilitate such requests. As such this part of your request is not a valid request. Please forward your refined request and clarify the recorded information you require for your research.

**RESPONSE**

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

- a. states that fact,
- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

**Section 12 – Exemption where cost of compliance exceeds appropriate limit**

We have been asked previously regarding numbers of rape kits used and our PVP unit (Protecting Vulnerable People) advised:

*It is not possible to establish how many such kits were used without examining every relevant investigation that was conducted during that period. As such it is not feasible to give an answer as it would take an excessive amount of time to examine them.*

*Not all rape kits are sent for testing.*

*The decisions made in relation to which items to submit for forensic examination are made on a case by case basis and are affected by a number of other factors, and the strength of other evidence in the case. It would not be cost effective or sensible to always send every item for forensic examination in every case. In some cases the officer in the case will consult with a scientist to establish a forensic strategy, and will prioritise the items that are believed will offer the best evidence in the case.*

In essence, we would have to review all relevant incidents and investigations to extract the level of detail of the cases that met the criteria of your request; this process would take much longer than 18 hours' work.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below 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)

**Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future**

The Crime Management Data Returns Administrator conducted a search of the two crime management systems. (CMS - our legacy system which provides data up to 4th December 2017 and our new CONNECT system which records crimes from that date onwards)

They have provided the attached spreadsheet of stats for Q5, as well as a statement regarding the type data we record.

*Please see the attached data, which answer Q5 of the request.*

*CMS(ii) Data - I have provided a count of the specified offences recorded on the CMS(II) Crime register between 01-Jan-2009 and 04-Dec-2017.*

*CONNECT Data - I have provided a count of the specified offences recorded on the CMS(II) Crime register between 05-Dec-2017 and 31-Dec-2019.*

*The Police do not record prosecution data, rather data from the recording of a crime up to the Police charging decision. This is not the same as the prosecution decision, this data is held by the local/national CPS. Police in agreement with the CPS will make a decision to charge a suspect with an offence, but the decision to prosecute an individual is with the courts. Police do play a part in the prosecution team, as do the CPS, lawyers, criminal justice system and courts.*

*The Police record data where the victim withdraws/does not support Police action (Police outcome 14 and 16), this will be before the Police decide to charge a suspect. This will be the outcome of the Police investigation and it is not likely to proceed to CPS decision. This answers only part of the question though. Police disposal data is based on the volume of investigations, whereas CPS data is based on the nominal – therefore the two datasets cannot be used in conjunction.*