

Our Ref: 007911/15



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

1 December 2015

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 03/11/2015.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

I would like to request information on the following:

- how many children under the age of 15 have been arrested for rape in your region since November 2010

49

- a breakdown of the age of each of the children arrested for rape since November 2010

In order to prevent any individuals being identified and thus engaging Section 40(2) of the Act, this information is being provided in a tabulated format by the banding of ages together.

10-12 years – 13 individuals

13-15 years – 36 individuals

- a breakdown of where (which borough) these children were arrested in (each individual child) since November 2010

- a breakdown of what the consequences were for each of these individual children (were they released without charge, cautioned, charged and then sentenced, or charged and then released)

This information is being refused by virtue of the following exemptions:

Section 40(2): Personal Information

Section 30(1): Investigations

The breakdown of this information to such a level would significantly increase the possibility that specific individuals could be identified particularly when cumulated with the data at question 1. The disclosure of this information would breach principle 1 of the Data Protection Act 1998 which states that information should be fairly and lawfully processed. Such disclosure which could identify particular individuals would not be considered fair or lawful. Section 40(2) is an absolute class based exemption which means that I am not required to consider whether the public interest lies in favour of disclosure or in maintaining the exemption.

Section 30(1) is a qualified, class-based exemption and therefore I am required to consider the public interest arguments in favour of disclosure or non disclosure.

Factors favouring disclosure

There is public interest in the transparency of Policing operations and activity and also in providing assurance that Nottinghamshire Police deals with such allegations appropriately and effectively. There is a great deal of interest from the public regarding investigations into sexual offences. By providing evidence that offenders are being apprehended and dealt with and that an investigation has been conducted properly the public can be reassured. This in turn will increase public confidence in Nottinghamshire Police and demonstrate that public funds are being used effectively. Furthermore, by disclosing information relating to sexual offences the public's awareness regarding these issues will be increased thereby leading to a more informed community.

Factors favouring non-disclosure

There is strong public interest in safeguarding the integrity of Police investigations and in maintaining public confidence in Nottinghamshire Police service. Releasing the requested information would identify not only offenders but victims of their offences which would exacerbate their personal trauma and undermine any attempts to move on from the incident and rebuild their lives. Disclosing information relating to investigations in this area could also undermine the public trust that Nottinghamshire Police are able to maintain the anonymity of victims and witnesses providing information to the Police in confidence. This would lead to less reporting of sexual offences to the Police

by both victims and third parties. For allegations of such a serious nature which have historically been known to be underreported, there can be no public interest in the disclosure of any information which may further prevent victims and witnesses from coming forward. Such action would hinder the prevention and detection of crime and lead to the possibility that more offenders would go unpunished, ultimately leading to an increase in offences and a greater fear for personal safety for the general public.

Balancing Test

As a publicly funded authority, Nottinghamshire Police are entrusted by the public to utilise public funds effectively. There is obviously public interest in the way in which the Police service uses its funds and providing transparency into policing activity. This increases public confidence in Nottinghamshire Police that the force is apprehending and prosecuting offenders.

However, the Police have a duty to prevent and detect crime and protect the community which they serve. The disclosure of the requested information would have a negative impact on future police investigations into this area. This would lead to Nottinghamshire Police failing to protect the public and putting individuals at risk of harm from unpunished offenders.

It is my opinion that such disclosure does not outweigh the greater public interest in protecting the community and enforcing the law. Any disclosure which could put the public at a greater risk of harm cannot be justified and therefore it is found that the balance of favour lies in non-disclosure.

I would also like to request the following:

- how many children under the age of 15 have been arrested for sexual assault in your region since November 2010

29 individuals

- a breakdown of the age of the children arrested for sexual assault since November 2010

In order to prevent any individuals being identified and thus engaging Section 40(2) of the Act, this information is being provided in a tabulated format by the banding of ages together.

10-12 years – 3 individuals

13-15 years – 26 individuals

- a breakdown of where (which borough) these children were arrested in (each individual child) since November 2010

- a breakdown of what the consequences were for each of these individual children (were they released without charge, cautioned, charged and then sentenced, or charged and then released)

- a breakdown of what each of these sexual assault allegations were (i.e. groping etc.)

This information is being refused by virtue of the following exemptions:

Section 40(2): Personal Information

Section 30(1): Investigations

The breakdown of this information at this level would significantly increase the possibility that specific individuals could be identified particularly when cumulated with the data at question 1. The disclosure of this information would breach principle 1 of the Data Protection Act 1998 which states that information should be fairly and lawfully processed. Such disclosure which could identify particular individuals would not be considered fair or lawful. Section 40(2) is an absolute class based exemption which means that I am not required to consider whether the public interest lies in favour of disclosure or in maintaining the exemption.

Section 30(1) is a qualified, class-based exemption and therefore I am required to consider the public interest arguments in favour of disclosure or non disclosure.

Factors favouring disclosure

There is public interest in the transparency of Policing operations and activity and also in providing assurance that Nottinghamshire Police deals with such allegations appropriately and effectively. There is a great deal of interest from the public regarding investigations into sexual offences. By providing evidence that offenders are being apprehended and dealt with and that an investigation has been conducted properly the public can be reassured. This in turn will increase public confidence in Nottinghamshire Police and demonstrate that public funds are being used effectively. Furthermore, by disclosing information relating to sexual offences the public's awareness regarding these issues will be increased thereby leading to a more informed community.

Factors favouring non-disclosure

There is strong public interest in safeguarding the integrity of Police investigations and in maintaining public confidence in Nottinghamshire Police service. Releasing the requested information would identify not only offenders but victims of their offences which would exacerbate their personal trauma and undermine any attempts to move on from the incident and rebuild their lives. Disclosing information relating to investigations in this area could also undermine the public trust that Nottinghamshire Police are able to maintain the anonymity of victims and witnesses providing information to the Police in confidence. This would lead to less reporting of sexual offences to the Police

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Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk