



February 2016

**Freedom of Information Request Reference N<sup>o</sup>: FOI 000055/16**

I write in connection with your request for information received by the Norfolk Constabulary on the 6<sup>th</sup> January 2016 in which you sought access to the following information:

I am currently researching my thesis which looks at the issues of Cyber-Stalking and Cyber-Harassment and whether new legislations has made an impact on the amount of crimes reported and convicted. I write to you to request a copy of the following information in order to facilitate my research.

- A The number of harassment and stalking reports made, which in some way relate to the social network site "Facebook" between the years 2010-2015.
- B The outcome of these reports. For instance whether they resulted in a conviction.

Norfolk Constabulary holds information relevant to your request.

**Response to your Request**

Norfolk Constabulary has located the following information as relevant to your request.

The Joint Performance and Analysis Department (JPAD) has reviewed crimes of Harassment and Stalking where the word 'Facebook' appears within the officer or description text or the investigation summary field.

All crimes where 'Facebook' has been referred to in some way have been included in this response for example: the victim or offender has referred to the incident on Facebook. Therefore there may be incidents or offences included which may not directly relate to the site.

Please note a new crime system was introduced in December 2015 therefore the data is provided in two tables below:-

Part A

Crime Description	2010	2011	2012	2013	2014	2015 (until 19/10/15)	Grand Total
Harassment	19	16	15	22	67	78	217
Harassment, Alarm Or Distress	1		1	1	2		5
Stalking involving fear of violence				1	3	1	5
Stalking involving serious alarm/distress						3	3
Grand Total	20	16	16	24	72	82	230

Crime Description	2015 (post 19/10/15)	Grand Total
Harassment - Pursue course of conduct in breach of Sec 1 (1) which amounts to stalking	1	1
Harassment - Putting people in fear of violence	1	1
Harassment - without violence (course of conduct)	10	10
Stalking	0	0
Grand Total	12	12

## Part B

Please see detection status below:-

Crime Description	2010	2011	2012	2013	2014	2015	Grand Total
Harassment							
Detected	13	10	9	19	37	22	110
Undetected	6	6	6	3	30	56	107
Harassment, Alarm Or Distress							
Detected	1		1	1			3
Undetected					2		2
Stalking involving fear of violence							
Detected				1	1	1	3
Undetected					2		2
Stalking involving serious alarm/distress							
Detected						2	2
Undetected						1	1
Grand Total	20	16	16	24	72	82	230

Of the detected offences above, the outcomes have been provided below:-

Outcome	2010	2011	2012	2013	2014	2015 (until 19/10/15)	Grand Total
Harassment							
01. Charged/Summons	8	8	6	15	24	18	79
03. Caution-Adults	5	1	3	4	11	3	27
08.1. Restorative / Youth Restorative Disposal					2	1	3
Final Warning		1					1
Harassment, Alarm Or Distress							
01. Charged/Summons	1			1			2
08.1. Restorative / Youth Restorative Disposal			1				1
Stalking involving fear of violence							
01. Charged/Summons				1	1	1	3
Stalking involving serious alarm/distress							
01. Charged/Summons						2	2
Grand Total	14	10	10	21	38	25	118

Outcome	2015 (post 19/10/2015)
Harassment - Pursue course of conduct in breach of Sec 1 (1) which amounts to stalking	
Type 15 - Named Suspect Identified: Victim Supports Police Action But Evidential Difficulties Prevent Further Action	1
Harassment - Putting people in fear of violence	
Type 18 - Investigation Complete; No Suspect Identified. Crime Investigated As Far As Reasonably Possible-Case Closed Pending Further Investigative Opportunities Becoming Available	1
Harassment - without violence (course of conduct)	
Type 1 - Charged/Summoned/Postal Requisition	1
Type 15 - Named Suspect Identified: Victim Supports Police Action But Evidential Difficulties Prevent Further Action	1
Type 16 - Named Suspect Identified: Evidential Difficulties Prevent Further Action: Victim Does Not Support (Or Has Withdrawn Support From) Police Action	2
Type 2 - Caution Youth	1
Type 3 - Caution Adult	2
Type 6 - Penalty notice for disorder	1
Outcome not yet provided	2

Please note – court outcomes are held by the HM Courts & Tribunals Service.

Additionally, Norfolk Constabulary can neither confirm nor deny (NCND) that it holds any further information relevant to your request as the duty in S1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 23(5) – Information supplied by, or concerning security bodies
- Section 24(2) – National Security
- Section 30(3) – Investigations
- Section 31(3) – Law Enforcement

Section 23 is an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test.

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Section 30 is a qualified class-based exemption and there is a requirement to conduct a public interest test.

### Overall harm for partial NCND

In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the successful arrest and prosecution of those who commit or plan to commit acts of terrorism. In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the UK and Internationally in order to support counter-terrorism measures in the fight to deprive international terrorist networks of their ability to commit crime.

It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a sustained threat from violent terrorists and extremists. Since 2006 the UK Government have published the threat level based upon current intelligence and that threat level has remained at the second highest level 'severe', except for two short periods during August

2006 and June and July 2007, when it was raised to the highest threat 'critical' and July 2009, when it was reduced to 'substantial'. The current threat level to the UK is 'severe'.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime and arrest those responsible for committing crime, or those that plan to commit crime. To do this the police require evidence and that evidence can come from a number of sources, some of which is obtained through covert means. Having obtained sufficient evidence offenders are charged with offences and placed before the courts. By confirming or denying that any other information pertinent to this request exists could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

#### Section 24 - Factors favouring confirmation or denial of whether information exists

The public are entitled to know how public funds are spent and by confirming or denying when and how social networks are used by the police service could lead to a better-informed public that can take steps to protect themselves.

#### Section 24 - Factors against confirmation or denial of whether information exists

By confirming or denying that any other information relevant to the request exists would render Security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

#### Section 31 - Factors favouring confirmation or denial of whether information exists

By confirming or denying when or how the police service monitor social network sites, would enable the public to see where public funds are being spent. Better public awareness may reduce crime or lead to more information from the public.

#### Section 31 - Factors against confirmation or denial of whether information exists

By confirming or denying that any other information relevant to the request exists, law enforcement tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed and individuals placed at risk.

#### Section 30 - Factors favouring confirmation or denial of whether information exists

By confirming or denying when or how the police service monitor social network sites, would enable the public to obtain satisfaction that all investigations are conducted properly and that their public money is well spent.

#### Section 30 - Factors against confirmation or denial of whether information exists

By confirming or denying that any other information relevant to the request exists, would hinder the prevention or detection of crime, undermine the partnership approach to law enforcement, which would subsequently affect the force's future law enforcement capabilities.

#### Balance test

The security of the country is of paramount importance and the Police service will not divulge whether information is or is not held if to do so could undermine National Security or compromise law enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security, this will only be overridden in exceptional circumstances. Therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information relevant to your request exists is not made out.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. Norfolk Constabulary is already held to account by statute, for example the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act and independent bodies such as Her Majesty's Inspectorate of Constabulary and the Independent Police Complaints Commission. Our accountability is therefore not enhanced by confirming or denying that any other information is held.

None of the above can be viewed as an inference that any other information does or does not exist.