



NORFOLK
CONSTABULARY
Our Priority is You

April 2019

Freedom of Information Request Reference N°: FOI 001201/19

I write in connection with your request for information received by Norfolk Constabulary on the 26th March 2019 in which you sought access to the following information:

- 1 For the full year of 2018 (01/01/2018 - 31/12/2018) in total how many incidents and crimes did your police force record of:
 - A "honour" based violence?
 - B forced marriage?
 - C female genital mutilation?

- 2 If your police force records any of/ all of a)-c) together, for the full year of 2018 (01/01/2018 - 31/12/2018) in total how many incidents and crimes of "honour" based violence, forced marriage and female genital mutilation combined did your police force record?

- 3 For the full year of 2018 (01/01/2018 - 31/12/2018) in how many cases were criminal charges pressed which involved:
 - A "honour" based violence?
 - B forced marriage?
 - C female genital mutilation?

- 4 If your police force records any of/ all of a)-c) together, for the full year of 2018 (01/01/2018 - 31/12/2018) in how many cases of "honour" based violence, forced marriage and female genital mutilation were criminal charges pressed?

- 5 For the full year of 2018 (01/01/2018 - 31/12/2018) how many cases resulted in convictions involving:
 - A "honour" based violence?
 - B forced marriage?
 - C female genital mutilation?

- 6 If your police force records any of/ all of a)-c) together, for the full year of 2018 (01/01/2018 - 31/12/2018) in how many cases involving "honour" based violence, forced marriage and female genital mutilation were there convictions?

- 7 For the full year of 2018 (01/01/2018 - 31/12/2018) how many murder cases involving "honour" based violence did your police force record?

Response to your Request

The response provided below is correct as of 29th March 2019.

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

Please note any information provided below may not give a full picture of these types of offences as other agencies will be involved in dealing with these types of crimes.

- Q1 Exempt – sections 40, 44 and 31.
- Q2 The total number of reports in 2018 was 19.
- Q3 Exempt – sections 40, 44 and 31.
- Q4 Of the reports in question 2, 2 cases have resulted in a charge.
- Q5/6 No cases have resulted in a conviction.
- Q7 No recorded offences of murder involved honour based violence.

The figures have been aggregated due to exemptions within the Act. Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon, section 17 of the FOIA requires that we 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 specific exemptions are:-

- Section 40(2) Personal Information
- Section 44(1) Prohibitions on Disclosure
- Section 31(1) Law Enforcement

Section 40 is an absolute, class based exemption and applies to third party personal data, which 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 General Data Protection Regulations and Part 2 of the Data Protection Act 2018.

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, and 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. In this case the individuals would have a reasonable expectation that information would be not be processed if it resulted in their identification, or equally lead to an individual be wrongfully identified as a consequence.

Disclosures under the FOIA 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.

By law, all victims and 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.

These are absolute, class based exemptions and, as such, there is no requirement to consider the public interest test.

Section 31 is a prejudice based qualified exemption and requires me to evidence the harm in disclosure, as well as to undertake a public interest test.

Section 31 – Evidence of Harm

Where a disclosure is made which would provide information as to the way in which the Constabulary conducts investigations, there is a clear risk that harm may be caused by disclosing the capabilities of the Constabulary, with regard to Law Enforcement. It is the Constabulary's aim to apprehend offenders and, where an investigation remains on-going, to provide any information, which may assist an offender in establishing whether any investigations are ongoing, would be prejudicial to law enforcement.

The Constabulary would not wish to disclose any information which could lead to the identification of a victim of honour based abuse and subsequently undermine the law enforcement objectives of the Constabulary. Within the County there is a relatively low number of people from ethnic groups who would be most affected by offences relating to HBA. For this reason any information could provide sufficient detail to allow individuals, involved in such offences, to determine that they may be under investigation and could lead to the identification of victims. Additional safeguarding of any victims would be required. The public would be less likely to provide information to the Constabulary and this would impact on investigations.

Honour based abuse is not only a national problem but also a global one. In order to ensure that the Constabulary delivers effective law enforcement, we liaise with various other national agencies to provide suitable support. Not only would police investigations be compromised but any enquiries or investigations that other agencies may be undertaking, would also be compromised.

Public Interest Test

Factors favouring Disclosure

The provision of the requested information would show that Norfolk Constabulary takes such matters seriously and thoroughly investigates all referrals received. This could lead to increased public confidence and encourage more victims to come forward to report offences.

If members of the public have a better understanding of these types of offences this may encourage individuals to report suspicious behaviour. There is also a public interest in the use of public funds for tackling honour based offences.

Factors favouring Non-Disclosure

The provision of information from victims and witnesses of these types of offences is vital to the Constabulary's ability to investigate such crimes. Releasing information via the Freedom of Information Act, which could potentially identify individuals, could place victims at further risk of harm. This would lead to a lack of trust and confidence in the Police Service. Less information would be received and this would undermine the partnership approach when dealing with honour based offences.

The Constabulary is committed to playing a key role in eradicating honour based abuse, increasing the confidence of victims and in identifying and prosecuting offenders. The Constabulary works in partnership with other agencies to ensure that an effective investigation process is undertaken and that victims are protected. In order to do this, the Constabulary must build the trust and confidence of affected communities. Therefore releasing information under the FOIA would suggest that the Constabulary does not take these matters seriously and this would result in the Constabulary's law enforcement capabilities being affected.

Balance Test

It is recognised that the provision of a figure itself could assist the public in understanding the current concerns with offences relating to honour based abuse, both in Norfolk and nationally. However, in such cases, where there are a low number of offences, the risk of an individual being identified, and the knock on affect to them being further victimised as a result, cannot be ignored.

Any disclosure that places victims at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service and they would be less likely to come forward as either victims or witnesses.

Therefore, at this time, the balance lies in non-disclosure of separated figures by virtue of the exemption at section 31 – Law Enforcement.