



Norfolk Constabulary

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Dear

Freedom of Information Request Reference N^o: FOI 000683/16

I write in connection with your request for information received by the Norfolk Constabulary on the 11th February 2016 in which you sought access to the following information:

Please provide, in an excel spreadsheet, the following information relating to the number of crimes reported under Section 63 of the Criminal Justice and Immigration Act 2008, relating to possession of 'extreme pornography':

- 1 The number of crimes reported in the last 3 years.
- 2 A breakdown of age/ gender and race for each crime.
- 3 Specifically, how many crimes related to rape pornography, as described in amendment made in the Criminal Justice and Courts Act 2015.
- 4 The outcomes of the crimes

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 has undertaken research of recorded crimes for the calendar years 2013 to 2015. They have used the relevant Home Office classification codes and this has returned 36 crime reports.

Q1

Year	Number of Crimes
2013	7
2014	17
2015	12

Q2 In relation to the above 36 crimes, there are 38 suspects. The ages are based on the dates of birth recorded on the crime reports.

Ethnicity	Gender	Age	Number of suspects/offenders
White - North European	Male	22	1
White - North European	Male	30	2

White - North European	Male	39	1
White - North European	Male	45	1
White - North European	Male	65	1
White - North European	Male	70	1
Not recorded	Female	Not recorded	1
White - North European	Male	14	2
White - North European	Male	22	1
White - North European	Male	26	1
White - North European	Male	31	2
White - North European	Male	32	1
White - North European	Male	34	1
White - North European	Male	35	1
White - North European	Male	37	1
Asian	Male	37	1
White - North European	Male	39	1
White - North European	Male	42	1
White - North European	Male	47	1
White - North European	Male	51	1
White - North European	Male	60	1
White - North European	Male	15	1
Not recorded	Male	22	1
Unknown	Male	24	1
White - North European	Male	26	1
White - North European	Male	29	1
Black	Male	35	1
White - North European	Male	43	1
White - North European	Male	45	1
White - North European	Male	49	1
White - North European	Male	52	1
White - North European	Male	57	1
White - North European	Male	61	1
Not recorded	Male	61	1
White - North European	Male	66	1

Q3 There were no crimes recorded under this offence category.

Q4

Detection Status	Crime Disposal	Outcome
Detected	A3. Summons x1	
Detected	B1. Caution x 3	
Detected	A1. Charge x 3	
Detected	A1. Charge x 9	01. Charged/Summons
Undetected		18. No Suspect. Crime investigated. Case closed pending
Detected	B1. Caution x 5	03. Caution-Adults
Undetected		10. Not in the Public Interest (Police)

Detected	B2. Conditional Caution	02. Caution-Youths
Undetected	X 3	10. Not in the Public Interest (Police)
Detected	A1. Charge x 3	01. Charged/Summons
Undetected	X 2	
Detected	B1. Caution x 3	03. Caution-Adults
Detected	B3. Youth Conditional Caution	02. Caution-Youths
	Type 1 - Charged/summonsed/postal requisition	
	not yet completed	

Partial Neither Confirm Nor Deny

Norfolk Constabulary can neither confirm nor deny that it holds any other information relevant to your request, as the duty in section 1(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, certain Security Bodies
- Section 30(3) Investigations (by virtue of section 30(2))
- Section 31(3) Law Enforcement (by virtue of section 31(1))
- Section 40(5) Personal Information

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case. Confirming or denying existence of information held would contravene the constrictions laid out within The Act, in that it stipulates generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

Section 30 is a class based qualified exemption and there is a requirement to consider the public interest to ensure that, neither confirming nor denying whether any other information is held, is appropriate.

Section 31 is a prejudiced based qualified exemption. This means that the evidence of harm, 'prejudice', needs to be evidenced and the public interest considered to ensure that, neither confirming nor denying whether any other information is held, is appropriate.

Evidence of Harm (Section 31)

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. To confirm or not whether any other information is held, with regard to currently active investigations by Norfolk Constabulary, would be inappropriate as it would reveal actual policing activity.

In this case it is identified that the impact of confirming or denying whether any other information is held, has the potential to undermine ongoing investigations. In addition, the partnership approach between national agencies and law enforcement agencies would also be compromised and this would affect the effective delivery of operational law enforcement, by all partnerships involved.

If this request has been received nationally, confirming or denying whether any other information is held, would reveal a national activity schedule for investigations into these types of offences. This could lead to offenders destroying evidence to avoid apprehension and going 'underground', by moving to another area, which they may feel would be 'safer', to carry out their offending behaviour. This would ultimately place the safety of individuals at an increased risk.

Public Interest Considerations

Section 30 – factors favouring confirmation or denial of whether any other information is held

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Confirming or denying whether any other information is held could promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations. It could also provide assurance to the public that Norfolk Constabulary conduct investigations appropriately. Confirmation or denial may allow the public to have a better understanding of the effectiveness of the Police Service.

Section 30 – factors against confirmation or denial of whether any other information is held

Modern-day policing is intelligence led and Norfolk Constabulary would not disclose information that would undermine an investigation, now or in the future, as this could hinder the prevention and detection of crime, as well as undermine the partnership approach to investigations and law enforcement.

Offenders may take evasive action to avoid detection which could result in officers being diverted from frontline duties, and other areas of policing, in order to locate and apprehend individuals. In addition, the safety of individuals and victims would be compromised.

Section 31 – factors favouring confirmation or denial of whether any other information is held

To confirm or deny whether any other information is held would identify whether Norfolk Constabulary has any operations running. This in turn would identify where police resources are being directed. It would offer transparency around high profile investigations at force level.

Section 31 – factors against confirmation or denial of whether any other information is held

To confirm or deny whether any other information is held would undermine law enforcement as it would identify those forces that have ongoing investigations. The disclosure of this information would undermine the Constabulary's ability to detect such crimes, as it would disclose the Constabulary's current focus. It could lead to suspects/offenders taking action to avoid detection.

Balance Test

Whilst there is a significant public interest in whether Constabulary has received any reports and has any ongoing investigations, modern-day policing is intelligence led, therefore any information would undermine the Constabulary's ability to prevent and detect crime and therefore it would not be disclosed. Confirming whether or not any other information is held, relevant to your request, could offer inferences as to police focus, resource allocation and the current status of such investigations. This information, if held, would be of use to suspects situated within the force area. Similarly, if there was confirmation that no information was held, it could identify to individuals that they are not under investigation.

Although there is a considerable public interest in confirming or denying whether any other investigations are being conducted, it is of paramount importance that the force protects any information, if held, that if disclosed would undermine the forces ability to detect crime and prosecute offenders. To confirm that other information is held, even if that information was exempted, or to confirm that no information is held, would provide details about the status of police investigations and intelligence.

It is therefore our opinion that, for these reasons, the Constabulary will neither confirm nor deny whether any other information is held, relevant to your request.

Section 40(5) – Personal Information

The duty to neither confirm nor deny under this section of the Act arises where the disclosure of the information into the public domain would contravene *any* of the principles of the Data Protection Act 1998.

Irrespective of what other information Norfolk Constabulary may or may not hold, any request which has potential to identify a third party, by citing an exemption, would attract a neither confirm nor deny response by virtue of section 40(5), as it constitutes personal data of an individual, other than the applicant, and disclosure would contravene the first data protection principle which states in part that personal data shall be processed fairly and lawfully.

No inference can be taken from this refusal that any other information does or does not exist.