

Freedom of Information Team

21st January 2020

REFERENCE: FOI\20\1

Dear Madam,

Thank you for your request for information dated 11th January 2020 and detailed below.

- 1. Could you provide me with a detailed list of everyone in Northern Ireland who has been convicted of rape and attempted, each full year, for the past five years?*
- 2. I would like their name, age, sex, date of conviction, sentence and date of offence as well please.*

The Department has reviewed its records and is able to provide information on the number of cases dealt with at courts as follows:

Convictions at court for rape and attempted rape offences, 2014 – 2018

	No. offences		
Year	Rape	Attempted rape	Cases
2014	69	8	30
2015	22	< 3	12
2016	51	3	17
2017	59	< 3	13
2018	17	< 3	10

Note:

1. Figures relate to initial disposals at court. Appeals are not included.



Main disposals imposed following convictions at court for rape and attempted rape offences, 2014 – 2018

Year	Imprisonment	Other	Cases
2014	24	6	30
2015	10	2	12
2016	13	4	17
2017	11	2	13
2018	8	2	10

Note:

1. Figures relate to convictions where at least one of the offences was as specified.
2. Information on disposals specifies the main disposal handed down only.
3. Other disposals include suspended imprisonment and community supervision sentences. Length of custodial disposals imposed ranged from life imprisonment to 10 months.

Age band of defendants convicted at courts of rape or attempted rape offences, 2014 – 2018

Age band	Defendants convicted
10 - 17	6
18 - 24	11
25 - 29	5
30 - 39	14
40 - 49	16
50 - 59	12
60 & over	18
Total	82

Note:

1. Age relates to age of defendant at the point in time in which the case was dealt with by the court.

All of the persons convicted for rape or attempted rape offences over the period were male.

With regard to the following elements of your request, where you ask for a breakdown based on:

- Information on the specific date of sentence;
- information on the gender and age of individual defendants; and



- individual type of and quantifiable element of penalties imposed,

while this information is held, the Department is not able to provide it to you, other than on an aggregated basis. The Freedom of Information Act 2000 (FOIA) gives you two rights of access when you write to us asking for information. You have the right to know whether we hold the information that you are looking for, and you have the right to have the information given to you. These rights may only be overridden if the information you are looking for is covered by an exemption in the Act. In this case, the Department takes the view that Section 44 (Prohibitions on disclosure) applies.

Information on individual defendant's name, age, date of conviction, type and quantifiable element of disposal(s) imposed as part of a conviction, is exempt from disclosure under Section 44. This covers information which is prohibited from disclosure under other legislation.

(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it—

(a) is prohibited by or under any enactment,

Section 44 provides that information is absolutely exempt if its disclosure (otherwise than under the Act) is prohibited by or under any enactment.

The information you have requested consists of personal information relating to individuals convicted of rape and attempted rape in the past five years. The Department considers there is a strong likelihood of the identification of the individuals by the public release of this information.

The Sexual Offences (Amendment) Act 1992 precludes the release of any information which could lead to the identification of 'the person against whom the offence is alleged to have been committed...'. The Act specifies such information as including the name of the accused. The relevant sections of this Act are provided below:

'Sexual Offences (Amendment) Act

1 Anonymity of victims of certain offences.



(2) Where a person is accused of an offence to which this Act applies, no matter likely to lead members of the public to identify a person as the person against whom the offence is alleged to have been committed (“the complainant”) shall during the complainant’s lifetime [F2be included in any publication.]

(3A) The matters relating to a person in relation to which the restrictions imposed by subsection... (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—

(a) the person’s name, ...’

The complete version of Section of the Sexual Offences (Amendment) Act is provided at the link below:

<http://www.legislation.gov.uk/ukpga/1992/34/section/1>

The Department is satisfied that the information you have requested meets the criteria set out in Section 1(2) & (3A) of the Sexual Offences (Amendment) Act 1992 and in accordance with Section 44 of the Freedom of Information Act 2000 is exempt from public release.

Section 44 is an absolute exemption and is not subject to a public interest test.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF



The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours sincerely

Freedom of Information Manager

