

WILTSHIRE POLICE



XXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 20th February 2025

Our Ref FOI 2025-193

Dear XXXXX,

I write in connection with your request for information dated 12th February 2025, concerning sexual assault and rape DNA evidence / procedures.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by South West Forensics and our Business Intelligence and CSI departments at Wiltshire Police. Your request for information has now been considered and I am **not** obliged to supply the information you have requested.

You wrote:

1. What is the number of incidents of sexual assaults and rapes (as defined by Sec 1, 2 and 3 of the Sexual Offences Act, 2003) are reported to the Constabulary (including recent and historic rape) between Jan 2019 - Dec 2023?
2. Among the cases noted in the above, what is the incidence of early evidence kit utilization and subsequent DNA collection from the victim?
3. In instances where DNA was gathered utilizing the early evidence kit, could you specify the types of DNA collected, for example semen samples, vaginal fluid, or other relevant biological materials?
4. Could you provide a comprehensive outline of the specific procedures employed for the collection of each type of DNA mentioned previously, within the context of the aforementioned DNA samples?
5. What are the established standard operating procedures unique to your constabulary that govern the collection of DNA from sexual assault and rape victims when using the early evidence kit and forensic medical examinations, that adhere to FSR protocols and best practices in evidence collection?
6. Could you provide the titles of the personnel involved in the process of DNA collection from the victim, including any specialized staff or qualified professionals?

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7. Regarding the DNA samples collected from victims, I would like to inquire about the utilization of these samples (from early evidence kits) in court proceedings. Could you provide insight into the proportion of these samples that were introduced as evidence in court?
8. What were the reasons or factors underlying for the exclusion of the DNA evidence samples in court?

Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The information you are requesting - namely in relation to questions 2 and 7 - are not stored in a way which permits for easy retrieval. There is not an automatic way to extract whether early evidence kits were utilised / utilised in Court proceedings. Establishing this information would require manually interrogating each rape and sexual assault recorded. Taking question 2 as an example, which is a follow on from question 1, more than 7000 records on our system would need to be manually interrogated to establish this information. If one minute was allocated to review each record, this would take in excess of 116 hours to complete.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please note:

If one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Forces may use different recording systems, therefore it may be possible some Forces can provide this information where others cannot.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

Although excess cost removes the Forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I can provide you with is documented below:

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1. What is the number of incidents of sexual assaults and rapes (as defined by Sec 1, 2 and 3 of the Sexual Offences Act, 2003) are reported to the Constabulary (including recent and historic rape) between Jan 2019 - Dec 2023?

Rape

Offence Description	Crimes	Incidents
Attempted rape of a female aged 16 or over	22	5
Attempted rape of a female aged 16 or over - multiple undefined offenders	0	1
Attempted rape of a Female aged 16 or over (Sec 1, SOA 2003)	33	6
Attempted rape of a female aged under 16	13	1
Attempted rape of a Female aged under 16 (Sec 1, SOA 2003)	8	1
Attempted rape of a female child under 13 by a male	2	3
Attempted rape of a female child under 13 by a male (S5 SOA 2003)	8	0
Attempted rape of a male aged 16 or over	0	1
Attempted rape of a Male aged 16 or over (S1 SOA 2003)	4	0
Attempted rape of a Male aged under 16 (S 1, SOA 2003)	3	0
Attempted rape of a male child under the age of 13 by a male (S5 SOA 2003)	3	1
Rape of a female aged 16 or over	709	61
Rape of a female aged 16 or over - multiple undefined offenders	13	0
Rape of a Female aged 16 or over (Sec 1 SOA 2003)	1171	192
Rape of a female aged under 16	161	12
Rape of a female aged under 16 - multiple undefined offenders	7	2
Rape of a Female aged under 16 (Sec 1 SOA 2003)	231	32
Rape of a female child under 13 by a male	84	7
Rape of a female child under 13 by a male - multiple undefined offenders	7	0
Rape of a female child under 13 by a male (S5 SOA 2003)	161	14
Rape of a male aged 16 or over	30	8
Rape of a male aged 16 or over - multiple undefined offenders	2	1
Rape of a Male aged 16 or over (Sec 1 - SOA 2003)	51	18
Rape of a male aged under 16	13	1
Rape of a Male aged under 16 (Sec 1, SOA 2003)	24	4
Rape of a male child under 13 by a male	40	3
Rape of a male child under 13 by a male - multiple undefined offenders	2	0
Rape of a male child under 13 by a male (S5 SOA 2003)	49	11
Rape of a male under 16 - multiple undefined offenders	2	0
Rape of female aged 16 or over - multiple undefined offenders	24	7
Grand Total	2877	392

Sexual Assault

Offence Description	Crimes	Incidents
Arranging or facilitating the commission of a child sex offence - sexual assault	2	0
Assault of a female 13 or over by penetration	102	8
Assault of a female child under 13 by penetration	31	0
Assault of a male child under 13 by penetration	7	0

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Assault on a male 13 or over by penetration	5	1
Sexual assault of a female 13 or over by penetration (S2, SOA 2003)	214	16
Sexual assault of a female child under 13	161	18
Sexual assault of a female child under 13 (S3, SOA 2003)	277	37
Sexual assault of a female child under 13 by penetration (S6, SOA 2003)	88	11
Sexual assault of a male child under 13 by penetration (Sec 6 SOA 2003)	12	2
Sexual assault on a female aged 13 or over	826	79
Sexual assault on a female aged 13 or over (S3, SOA 2003)	1239	100
Sexual assault on a male 13 or over by penetration (Sec 2 SOA 2003)	11	0
Sexual assault on a male aged 13 or over	134	17
Sexual assault on a male aged 13 or over (Sec 3, SOA 2003)	170	17
Sexual assault on a male child under 13	66	14
Sexual assault on a male child under 13 (Sec 7, SOA 2003)	96	17
Grand Total	3441	337

3. In instances where DNA was gathered utilizing the early evidence kit, could you specify the types of DNA collected, for example semen samples, vaginal fluid, or other relevant biological materials?

Early Evidence Kits have collection modules for urine, a mouth rinse, skin swabs and fingernail scrapings – they do not contain other intimate swabs as this is done via the Sexual Assault Referral Centre (SARC). They target semen / blood/ saliva and touch DNA – non-intimate.

4. Could you provide a comprehensive outline of the specific procedures employed for the collection of each type of DNA mentioned previously, within the context of the aforementioned DNA samples?

There is an open-source document from The Faculty of Forensics & Legal Medicine (FFLM) which covers such guidance - [Recommendations for the Collection of Forensic Specimens from Complainants and Suspects - FFLM](#).

5. What are the established standard operating procedures unique to your constabulary that govern the collection of DNA from sexual assault and rape victims when using the early evidence kit and forensic medical examinations, that adhere to FSR protocols and best practices in evidence collection?

This is answered in the document link above.

6. Could you provide the titles of the personnel involved in the process of DNA collection from the victim, including any specialized staff or qualified professionals?

Police officers can carry Early Evidence Kits, after this the victims are taken for medical examinations at the SARC ([SARCs | Rape Crisis England & Wales](#)).

8. What were the reasons or factors underlying for the exclusion of the DNA evidence samples in court?

This is very difficult to answer. There could be many reasons why DNA evidence may not be relevant in a case, for example an issue of consent. Evidence would not be excluded as it is all disclosable but may not be required.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide such information (because the information is exempt) to 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 exemption applicable to the information requested is:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

Please contact me if you would like to discuss the withheld information.

Yours sincerely,

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN



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Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish to contact them, please visit <https://ico.org.uk/global/contact-us/>

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