



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2008-04246

**Keyword:** Crime

**Subject:** SEX OFFENDERS IN NORTHERN IRELAND

### Request:

**Question 1** - How many currently registered sex offenders have been 'lost' by the PSNI across Northern Ireland, i.e. how many offenders, who were on the register, can police no longer account for?

**Questions 2** - In reference to question one, the category of each sex offender (if any) now unaccounted for (for example low, medium or high-risk)

**Question 3** - Please provide a name, last known whereabouts, date absconded, and photograph of each sex offender (if any) now unaccounted for

**Question 4** - How many registered sex offenders have been 'lost' by the PSNI across Northern Ireland in each of the last three financial or calendar years, and the category of offender

**Question 5** - According to a recent NISOSMC report, almost 900 sex offenders are being monitored across Northern Ireland. How many PSNI officers are dedicated to this monitoring?

**Question 6** - The age of the youngest and oldest person currently on the sex offenders' register in Northern Ireland, and details of the offence they committed

### Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose records numbered 1, 4 & 5 in full; and
- fully exempt records numbered 2, 3 & 6 pursuant to the provisions of sections 31, 38, 40, 44 of the Act.

**Response 1** - In relation to the number of registered sexual offenders whose whereabouts are unknown, the Police Service of Northern Ireland have as of October 3, 2008, 4 RSOs recorded as wanted because their whereabouts are unknown. This total is only valid for the date specified because the information is dynamic and will change as arrests are made or new cases come to light through proactive intelligence led policing or routine visits to registered offenders.

**Response 4** - The Police Service of Northern Ireland does not hold these historical records in a readily available format. To locate the information requested would require a search of each RSOs file, which would place the request

over the appropriate fees level as determined by the Secretary of State at £450.

**Response 5** - The Police Service of Northern Ireland has 30 officers who are dedicated to the monitoring of the RSOs. These are split between the Public Protection Arrangements Northern Ireland Strategy and Administration Unit, and the Public Protection Units in each DCU. In addition to this, local police officers such as Neighbourhood Officers would also be tasked by the PPU's to monitor and visit RSOs, as a small proportion of their duties.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

**Response 2,3 & 6** - Questions 2,3 & 6 have been exempted under the following sections:

Section 30 Criminal Investigation – Qualified, Class-based  
Section 31 Law Enforcement – Qualified, Prejudice-based  
Section 38 Health & Safety – Qualified, Prejudice-based  
Section 40 Personal Information – Absolute, Class-based  
Section 44 Information covered by Prohibitions on Disclosure – Absolute, Class-based

### HARM TEST

The disclosure and publication of information relating to Registered Sex Offenders, (RSOs) is a highly emotive subject. The Northern Ireland Office's 2007 report, Public Attitudes Towards Sex Offenders In Northern Ireland has shown, 83% of the public felt that all RSOs should always be imprisoned and 58% felt that it was unacceptable for an adult RSO to live in their community. On occasions, the strength of feeling has escalated to such a degree, that both RSOs and innocent persons have been targeted by those in society who feel it is appropriate to take vigilante style action. In Havant, in 2007, persons with learning disabilities had their homes attacked, when rumour and misinformation quite wrongly identified them as sex offenders. In 2004, crowds converged on a family home in the mistaken believe that Maxine Carr had taken up residence, the rumour having spread from a discussion in an internet chatroom. Information released officially into the public domain whether by police, MAPPAs reports or court reporting, becomes available for general circulation, and can then be combined with local knowledge supposition and rumour with the intention of identifying offenders.

Your requests asks for the name, last known whereabouts, photograph, the category of each offender, youngest / oldest and details of offence committed. When similar personal information relating to RSOs has been published on previous occasions, a correlation between the publication of the information and subsequent public order events has been shown. For example, the well documented riots in Paulsgrove, Hampshire, in 2000, and the attacks in 2006, on an RSO's home in Somerset. Both these incidents followed publication in national newspapers of details, which identified name RSOs, and the resulting attacks indicate that persons are placed at risk of both physical and mental harm by this type of disclosure. Even though an RSO's location is not known, that harm is still likely to occur when such information is released because the requested information is not only personal information relating to specific individuals, but it is also information that is sufficient enough in detail for others to attempt to make identifications based upon all, or part, of it. It has occurred where persons with the same name as a RSO or resembled a published photograph, have been mis-identified and subsequently subjected to intimidation and physical harm. In April 2003, a newspaper published the picture of a person beside the name of a registered sexual offender. Neither picture nor name were related. However, due to their placement in the paper, it appeared they were the same person. In 2000, a number of persons were attacked following the publication of the names and photographs of convicted sexual offenders in a national newspaper. One individual, and his family were targeted because he was seen wearing neck brace similar to one worn by one of the offenders in a published photo, even though, the offender had stopped wearing the neck brace.

There is also the harm caused to the relationship between those offenders have registered and the Police Service of Northern Ireland Officers who regularly monitor and risk assess them. The likely outcome of any disclosures would create a loss of confidence in the PSNI by compliant RSOs thus making any type of assessment less detailed and therefore less effective. This could then result in a poorer quality of information obtained and monitoring of each RSO, and ultimately, the possibility of future offending by the RSO.

### PUBLIC INTEREST TEST

When applying qualified exemptions a public authority is also required to consider whether in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Considerations Favouring Disclosure**

**Accountability** - When the information disclosed relates directly to the efficiency / effectiveness of the PSNI or its officers it provides benefit to the community. Disclosure demonstrates that the PSNI are aware of missing offenders, providing reassurance to the public that the PSNI have the ability and resources in place to ensure proper management of RSOs.

**Public Awareness** – Raising awareness means that the public can take steps to protect themselves, avoid a particular area. Better informed as to the activities of RSOs. Contribute to the accuracy and quality of public debate, which is full of misinformation and scaremongering.

**Public participation** – PSNI would benefit from public participation and input into local community issues. By disclosing the details of missing RSOs would possibly allow the public to help the police track them down. However, the 2007 report Public Attitudes towards sex offenders in Northern Ireland concluded: The public are reluctant to acknowledge an obligation on the part of society to assist in sex offender reintegration

### **Considerations Favouring Non-Disclosure**

**Efficient / Effective Policing** – current / future law enforcement role of the PSNI may be compromised by the release of the information. In some cases an offender may be aware that his location is unknown and an investigation is under way so he/she takes steps to avoid detection. Public disorder will put strain on police resources as additional resources may be needed in that area, thus reducing the effectiveness in other areas. e.g. Paulsgrove.

**Ongoing Investigations** - investigations could be compromised by releasing details of RSOs identity, resulting in missing RSOs not being made amenable to the justice system and possibly going underground and increasing the likelihood of the RSO re-offending.

**Flow of Information** – The flow of information to the PSNI could increase, however, this has to be balanced against any possible breakdown of the relationship between the RSOs and the supervision managers. If a breakdown between the RSO and the managers occurred, this would lead to less effective management of RSOs resulting in possible

**Human Rights, morals & ethics** – Public interest not served if disclosure breaches obligations placed on an authority under the ECHR – right to life, fair trial, privacy and education. This applies to the offender, their families, the victims, and those non-offenders who suffer intimidation or assault because of misidentification as a result of disclosure of information requested in questions 2,3 and 6. The NIO report on the Public attitudes towards sex offenders in NI 2007 show that 83% of the public felt that all RSOs should always be imprisoned and 58% felt that it was unacceptable for an adult RSO to live in their community with 57% thinking it is unacceptable for a child sex offender to be educated in their community.

**Public Safety - Release** of the information requested may not be in the public interest. The potential harm of not managing offenders properly and the possibility of RSOs committing further offences or innocent people being targeted through mis-identification is serious and cannot take priority over public safety.

### **BALANCING TEST**

When balancing the public interest test, we have to consider whether the information should be released into the public domain. Arguments for disclosure / non-disclosure have to be weighed against each other and a decision made. The main argument for disclosure would be public awareness, whilst public safety would be the key negative. We can never be entirely sure what effect information disclosure may have. The impact of uncontrolled disclosure of a quantity of information can only be estimated on the basis of previous occasions where public order disturbances and the targeting of individuals including those completely unrelated to the offences in question. As far as the police service is concerned, the protection of the community must take precedence, and would be failing in its duty to protect all members of the public, regardless of who they are.

**In this case the information would cause the harm that has been outlined above and therefore non-disclosure for questions 2, 3 and 6 has been decided.**

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ [www.psnipolice.uk](http://www.psnipolice.uk).

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.