



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-03489

**Keyword:** Crime

**Subject:** SEX OFFENDERS RESIDING IN FOYLE AREA COMMAND

### Request and Answer:

*The Police Service of Northern Ireland has completed its search for the information.*

*I have decided to;*

*- disclose records in answer to questions 1, 3 & 4 in full; and*

*- fully exempt records in answer to question 2 pursuant to the provisions of Sections 31(1), Section 38 (1) and Section 40(2) of the Act.*

### Question 1

May I ask how many registered sex offenders are currently living in the Foyle Area Command?

### Answer

There are currently 66 registered sex offenders living in the Foyle Area.

### Question 2

Of these registered sex offenders how many are classified as being at risk of reoffending?

### Answer

I have decided to fully exempt a response to Question 2.

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.

The exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31 Law Enforcement - Qualified, Prejudiced based exemption  
Section 39 Health & Safety - Qualified, Prejudiced based exemption  
Section 40 Personal Information - Absolute, Class-based exemption

## **HARM TEST**

Disclosure of information relating to Registered Sex offenders is a highly emotive subject. There have been well documented attacks on Hampshire in 2000 and Somerset in 2006. Even though a sex offender's exact location is not known, harm is still likely to occur as the information may be sufficient enough for others to attempt to make identifications upon it.

The breakdown of the relationship between the sex offender and the relevant supervisors creates an environment where the loss of knowledge about offenders can lead to a situation where further sexual crimes are committed. However, controlled dissemination of information deemed suitable for disclosure into the Public Domain is already undertaken by the Child Exploitation and Online Protection Centre (CEOP).

There is also the harm caused to the relationship between those registered offenders 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 Registered Sex Offenders 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, ultimately, the possibility of future offending by the RSO.

## **PUBLIC INTEREST TEST**

Public interest favours release to overall figures for the district as this has been and is still intended for publication.

The factors favouring disclosure for release of categories mainly relate to keeping the public informed and police accountability. This is already achieved to a very high level by the publication of the annual MASRAM report in previous years, appropriate media releases and key performance indicators

Furthermore, controlled disclosure of certain additional information already occurs through the existing channel of the CEOP website.

Opposed to factors favouring disclosure of this low level information is the key negative of public safety. We can never be entirely sure what effect information disclosure may have. As far as the police service is concerned, the protection of the community must and will always take precedence over information provision. We would be failing in our duty to protect all members of the public, regardless of who they are, should even one person suffer as a result of a disclosure under this legislation.

At this time the balance is firmly tilted towards non-disclosure.

### **Consideration Favouring Disclosure**

PSNI would benefit from public participation and input into local community issues. 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.

### **Consideration Favouring Non-Disclosure**

Public interest not served if disclosure breaches obligations placed on an authority under the ECHR – right to life, fair trial, privacy and education.

Release of category information could breakdown the relationship between the RSO's and the supervision managers which would lead to less effective management of the RSO's.

There may be occasions where the release of information relating to public safety may not be in the public interest. Public Safety is of paramount importance to the police service and its partner agencies.

The potential harm of the possibility of RSOs committing further offences or innocent people being targeted through misidentification is serious and cannot take priority over public safety therefore low level data should not be released.

## **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. 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 in answer to question 2 should be withheld, as to release low level data into the public domain, would be harmful for the reasons listed above.

**Question 3**

How many sex offenders were living in the Foyle Area command as of October 31 2008?

**Answer**

There were 60 registered sex offenders living in the Foyle Area as of October 31, 2008.

**Question 4**

How many registered sex offenders living in the Foyle Area command have breached their conditions by failing to sign the register at any time in the last 12 months?

**Answer**

None have failed to sign the register.

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 PSNI replies under Freedom of Information may be released 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.