



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02120

Keyword: Crime

Subject: SEX OFFENDERS - TULLYSARAN PARISH, COUNTY ARMAGH

Request and Answer:

Question 1

How many PSNI "call outs" have been made to Edenderry Drive, Maydown Road, Tullysaran area from January 2006?

Question 2

What were the nature of and reasons for these disturbances that required Police Assistance?

Question 3

How many people, within a 3 mile radius of Edenderry Drive, Maydown Road, Tullysaran, Co. Armagh, have been placed on the Sex Offenders Register since 2006?

Answer 1, 2 and 3

I have decided to:

fully exempt any information relating to the number of people placed on the Sex Offenders Register and any information regarding PSNI "call outs" in Tullysaran area pursuant to the provisions of sections s31, s38 and s40 of the Act.

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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below :

Section 31(a)(b)(c) Law Enforcement
Section 38(1) - Health & Safety; and
Section 40(2) - Personal Information

Sections 31 and 38 are Prejudiced based Exemptions - this means it is the Public Authority's responsibility to evidence the harm.

Sections 40 is a Class based Exemption - this means that the legislators have agreed there would be harm if this information were released.

Sections 31, 38 and 40 are Qualified Exemptions; therefore a Public Interest Test must be carried out. Please find both tests listed below.

HARM TEST

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole. PSNI is entrusted with a considerable amount of information. It has an important role in countering the many threats against society. The flow of information is essential to its work and release of information could compromise the confidence of individuals supply it.

Your request asks how many PSNI "call outs" and the nature of, and reasons for, these made to Edenderry Drive, Tullysaran, from January 2006 and I can advise that police investigations are conducted with due regard to the confidentiality and privacy of all parties involved, i.e. victims, offenders and witnesses.

Releasing details which may lead to the identity of any party may prevent future victims or witnesses of crime from coming forward for fear of identification. This will lead to unreported crime and a loss of confidence in the PSNI to investigate such cases. Under-reporting of crime leads to an increase in undetected crime which has an adverse affect on the community. This may result in individuals not being brought to justice.

Under the freedom of Information Act (2000) any information released under FOI is released into the public domain, NOT just to the individual requesting the information. The ease of communication afforded by the internet means that published information and the concerns of the public are open to manipulation and exploitation by determined individuals/groups. The questions asked are for statistics relating to an area which is lower than DCU level. Although only statistical information is being requested it is low level data, the disclosure of which, could lead to the identification of an individual, undermine an individual's right to a private life, compromise law enforcement and jeopardise the safety of an individual.

The release of this information could potentially lead to the identification of one or more persons and could have serious consequences for their personal safety and for the security of their property There have been a number of instances where unconnected and innocent individuals have been incorrectly identified and were subjected to vigilante attacks. The disclosure, publication and subsequent discussion of information relating to Registered Sexual Offenders is invariably, and understandably, emotive due to the actual and perceived nature of these crimes. On occasion, however, this strength of feeling has escalated to such a degree that both registered Sexual Offenders (RSOs) and innocent persons have been targeted by those in our society who feel it is appropriate to take vigilante style action. For example - in January 2007 there were attacks on a home for persons with learning disabilities in Havant when misinformation and rumour became so entrenched that some local people decided, quite wrongly, that the individuals must be paedophiles. Similarly in 2004 crowds converged on a family home in the mistaken belief that Maxine Carr was being housed there. The rumour had spread from a discussion in an internet chat room. Information officially released into the public domain, whether through FOI responses, police media statements, court reporting or MASRAM reports becomes accessible and available for wide circulation in this way and can then be combined with local knowledge, supposition and rumour with a view to identifying offenders.

A further consideration is the impact that disclosure would have on those offenders who are currently in compliance with their notification and are therefore being managed by MASRAM (now PPANI - Public Protection Arrangements Northern Ireland) partners. There is a legal requirement for this supervision to take place and the system must effectively risk assess and monitor offender thus preventing them from re-offending. The breakdown of the relationship between sex offenders and the relevant supervisors creates an environment where the loss of knowledge about offenders can lead to a situation where sexual crimes are committed in spite of proactive, preventative policing.

There is evidence that previous disclosures have resulted in sexual offenders being subject to attack or "driven underground". Such fears becoming a reality turns on the likelihood of identification - if an individual cannot be identified then they will not be at risk of attack or feel the need to go to ground.

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.

Factors Favouring Disclosure

Accountability

When information disclosed relates directly to the efficiency and effectiveness of the Force or its officers it is generally of benefit to the community. In this case the release of information will enable the public to have a better understanding of the efficiency and effectiveness of the Police Service.

Public Awareness

Disclosure of information regarding any crimes and/or sex offenders within Tullysaran area would enhance public knowledge and may correct rumour and speculation thus reducing the fear of crime and improve quality of life. This information would enable the public to be better informed with regard to the prevalence of crime within their local community. This could contribute to the quality and accuracy of public debate in relation to the management of offenders, which is rife with speculation and rumour fuelled by inaccurate gossip. Disclosure of information of issues of concern can assist the public so that they can make decisions about their own activity to prevent any harm.

Public Safety

There are occasions when it may be appropriate to disclose information that would have an impact on public safety. This may be applied where the public would benefit from having enhanced knowledge and would therefore be able to take the necessary precautionary steps to protect themselves.

Factors Favouring Non-Disclosure

Interests of Third Parties

The information you have requested is asking for statistics at lower than DCU level. Although only statistical information is being requested, it is low level data, the disclosure of which could lead to the identification of an individual, undermine an individual's right to a private life, compromise law enforcement and jeopardise the safety of an individual. The public interest will favour non-disclosure when individuals or third party interests might be jeopardised by the release of information that relates to personal affairs of individuals. This can include reputations. The interests of innocent persons, non-offenders, families and victims of offenders may be jeopardised by disclosure.

Investigations

The information requested could cause harm if disclosed. Release of this information could potentially impact on any future investigations as it would reveal sensitive information known only to police, victims and suspects. Disclosures which enable an offender to know whether or not crimes they have committed have been reported/are being investigated could enable them to take steps making it more difficult to detect their involvement.

Flow of Information to the Service

It is critical to develop a relationship of mutual trust and understanding. If this information were released the relationship between the PSNI and our partner agencies may be compromised. Whilst it has been acknowledged that the flow of information from the public could increase as a result of disclosure, this must be balanced against any possible breakdown or decrease in public confidence which could lead to a reduction in support for the Service and victims coming forward. It could deter the public from reporting matters to the police resulting in victims under-reporting matters. This would have a negative impact on the effectiveness and efficiency of the PSNI.

Fair Treatment of Individuals

If this information were released it could lead to attacks on persons or their properties as has already occurred on the mainland. Registered Sex Offenders have a right to privacy under the human Rights Act.

Human Rights, Morals and Ethics

The public interest will not be served if disclosure breaches any individual's right to life and privacy. This principle applies to a wide range of individuals, from the offender, their families, the victims and those non-offenders who suffer intimidation or assault because of misidentification.

BALANCING TEST

There is always strong public interest in the details of sex offenders and the issue of public safety. However there can be no public interest in releasing details which may endanger individuals or the safety of the general public or threaten the supervision of sex offenders thereby encouraging them to go 'underground' which would mean the police would be unable to monitor their movements.

The factors favouring disclosure mainly relate to keeping the public informed and police accountability. We can never be entirely sure what effect information disclosure may have. The impact of disclosure of information can only be estimated on the basis of previous occasions when individuals have been identified (not always accurately) which has led to the targeting of the individuals including those completely unrelated to the offences in questions. As far as PSNI 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 one person suffer as a result of disclosure.

On balance the public interest against disclosure outweighs the public interest for disclosure. The requirement to withhold information relating to low level data, the release of which may affect the health and safety of individuals and jeopardise any future investigations must take precedence over the important issues of accountability and Human Rights, Morals and Ethics. In addition, if PSNI were to release personal data they would be in breach of the Data Protection Act. At this time it would not be in the public interest to release the information.

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

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 @ <http://www.psnipolice.uk/>

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