



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-05333

Keyword: Operational Policing

Subject: REGISTERED SEX OFFENDERS WHOSE WHEREABOUTS ARE UNKNOWN

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information requested and the answers to your questions are as follows.

Question 1

Under the Freedom of Information Act, please disclose full details of all registered sex offenders whose whereabouts are no longer known by the authorities, in each of the last five years.

Question 2

I would like the information broken down into year, number of registered sex offenders who cannot be traced, risk level of each offender and how many were rediscovered.

Following clarification you have refined your request to those who remain missing.

Answer 1 and 2

In relation to the number of registered sexual offenders whose whereabouts are unknown, the Police Service of Northern Ireland, have as of this date, 5 RSOs currently 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 and routine visits to registered offenders.

The years that the offenders went missing are as follows:

- 1 went missing in 1998
- 1 went missing in 2006
- 2 went missing in 2007
- 1 went missing in 2008.

For your information details of the most recent offender who went missing can be viewed at -

http://www.psnl.police.uk/17-11-08_high_risk_sex_offender_wanted_by_police

I have decided to:

- fully exempt the risk level of each offender and all other details of those missing 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(1) Law Enforcement
Section 38(1) Health and Safety,
Section 40(2) Personal Information

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

Section 40 is a class-based exemption and this means the legislators have agreed that there would be harm if this information were released.

All the above exemptions are Qualified exemptions and therefore a Public Interest Test must be carried out.

These tests are listed below.

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.

Your requests asks for the "full details" of all registered sex offenders whose whereabouts are unknown. 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 a RSOs home in Somerset. Both these incidents followed publication in national newspapers of details, which identified named 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.

There is a legal requirement for supervision of RSOs to take place, and the system must effectively risk assess and monitor offenders, and thus prevent them from re-offending. The breakdown of the relationship between sexual 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.

Controlled dissemination of information deemed suitable for disclosure into the public domain is already undertaken by Child Exploitation and Online Protection Centre (CEOP). The CEOP 'Most Wanted' website has proved successful in apprehending high risk offenders. CEOP attributes this success to the consistent application of a thorough process that underpins and supports the controlled disclosure of offenders' details on this website. This process can be summarised as follows:

- Only high risk sexual offenders who have breached their notification requirements in respect of sexual offences relating to children are considered for publication. (The majority of missing sexual offenders do not fit into this category.)
- Prior to publication, a thorough and robust risk assessment is conducted, which must take account of the rights and obligations of all parties. Most importantly, the obligations of the police to prevent crime and protect vulnerable children must be balanced against the rights of the suspect and their families.
- The website gives clear guidance on what to do, and what not to do, if a member of the public identifies an offender.
- Once an individual has been identified, a process is in place for CEOP, police forces and MAPPA groups/MASRAM to engage to ensure that the offender is dealt with appropriately.

In contrast to the process above, a response to an FOI request is an unmanaged disclosure, where the public authority relinquishes control of the dissemination of the information. In addition, there is a strong argument to suggest that disclosure of information may provide intelligence to offenders themselves. There may be operational or investigative reasons why the force would not wish to communicate to offenders themselves the details around those that are currently unaccounted for.

For example, an offender may not be aware that the force has already determined they are missing, that they are the subject of an active search or the subject of an investigation. Disclosure without the controls enforced by CEOP of this information, therefore, may compromise an on-going investigation since it is highly likely that the publication of such

information would simply alert the offender to police awareness, and cause them to move on.

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. The length of time that these offenders have been missing will be relevant to judging the efficiency and effectiveness of the service.

Public Awareness – Accurate public debate which corrects rumour, speculation and falsehoods could remove the need to take unnecessary actions, reduce the fear of crime and improve the quality of life. This information will enable the public to be better informed as to the activities of RSOs. This will contribute to the accuracy and quality of public debate in relation to the management of offenders, which is rife with speculation and rumour fuelled by inaccurate media reporting and gossip.

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 – The public interest will favour non-disclosure when the current / future law enforcement role of the PSNI may be compromised by the release of the information. In some cases an offender may be unaware that his disappearance has been detected and an investigation may already be underway. Disclosures which enable an offender to know whether or not their disappearance has been detected will enable them to take steps making it more difficult to detect their whereabouts. This may mean that additional resources have to be diverted in order to locate them. These resources are not finite and this will cause a reduction of capability in other areas of public prosecution.

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 – while it has been acknowledged that the flow of information from the public to the PSNI could increase as a result of disclosure, 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.

Public Safety - 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 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

The factors favouring disclosure 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, appropriate media releases and key performance indicators. These facts somewhat reduce the impact of any potential community benefit in receiving this information.

It is accepted that it is in the interest of protecting public safety that the public should be aware of how many sexual offenders are currently wanted because their whereabouts are unknown, and furthermore, that police forces should be able to provide this information. However, this aspect of accountability is fulfilled by the disclosure of the statistics for the number of missing offenders, rather than by more detailed information about them. Furthermore, controlled disclosure of certain additional information already occurs through the existing channel of the CEOP website.

Opposed to factors favouring disclosure 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 one person suffer as a result of a disclosure under this legislation.

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

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.psni.police.uk/>

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