



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-01425

**Keyword:** Crime

**Subject:** Category 3 Sex Offenders Currently Being Managed in NI

### Request and 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 in answer to question 1 in full
- fully exempt some records in answer to question 5 pursuant to the provisions of Sections 31, 38 and 40 of the Act.

### Question 1

Please state how many category three sex offenders are currently being monitored in Northern Ireland.

### Answer

There are currently **8** category three sex offenders being managed by the Public Protection Team.

### Question 2

Please state the cost to PSNI of monitoring the above persons during the 2009/10 financial year

### Question 3

Please state the cost to PSNI of monitoring the above persons during May 2010.

### Question 4

Please state the total cost to PSNI of monitoring the above persons since they became category three offenders.

### Answer

The cost of monitoring these RSOs is not routinely calculated therefore I have determined that the requested information is not held.

### Question 5

Please provide a breakdown, identifying each category three sex offender. State his/her name,

location, how long the PSNI has monitored this person and the cost of this monitoring. Please also provide a photograph of the sex offender.

### **Answer**

Of the 8 category three sex offenders currently being managed by the Public Protection Team, one has been managed for 1.5 years, two for 1 year, two for 9 months, two for 6 months and one for 1 month.

I can confirm that the names, locations and photographs of the offenders are held by the PSNI but disclosure of these details has been refused.

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(1)(a)(b) and (c) – Law Enforcement

Section 38 (1)(a) and (b) – Health and Safety

Section 40 (2)(a) and (b) by virtue of Section 40(3)(a)(i) – Personal Information

Section 40 is a class based and absolute exemption so therefore a Harm Test and Public Interest Test are not necessary. It only remains to explain why the exemption is engaged. The names, locations and photographs of Category 3 Registered Sex Offenders are clearly the personal information of those individuals without any further explanation. This information is held by the PSNI at this time for the purpose of managing those offenders. This is also sensitive personal information meaning that any of the conditions in Schedule 3 of the Data Protection Act 1998 must be satisfied before going on to consider Schedule 2 or whether it would be fair to the individuals to release their details. As none of the conditions in Schedule 3 can be met, the exemption is applied and the information should not be released.

Sections 31 and 38 are prejudice based and qualified exemptions therefore a Harm Test and Public Interest Test are necessary.

### **Public Interest Test Section 31**

#### Factors Favouring Release

In 1994 in the United States of America, Megan Kanka was raped and murdered by her neighbour, Jesse Timmendequas. After Timmendequas' trial it was revealed that he was a convicted child rapist. A law was introduced, known as Megan's Law which allows the public access to details of convicted sex offenders, including addresses and photographs. Calls for a similar law in the United Kingdom were made following the abduction and murder of Sarah Payne in 2000. Release of the requested information would amount to the release of information similar to that which takes place in USA thereby satisfying this perceived public interest.

#### Factors Favouring Retention

Release of the names and locations, etc of Registered Sex Offenders can cause them to 'go to ground' therefore making it, at best more difficult and at worst impossible, to manage their risk. This would hinder the prevention and detection of crime as it would leave the offenders virtually free to commit further offences. As well as this there are occasions where police will seek the assistance of the media when a particularly dangerous offender goes missing and certain details will be released,

(a) to alert the public to the danger, and (b) to seek the public's assistance in relocating the offender. To release details of every offender of a particular category would result in this course of action becoming less effective.

### **Public Interest Test Section 38**

#### Factors Favouring Release

Similar considerations favouring release are valid under the Section 38 Public Interest Test to those outlined above. Informing the public who and where RSOs are would also, in theory protect innocent individuals from becoming victims of further attack by these offenders.

#### Factors Favouring Retention

Identifying sex offenders could expose them to vigilante action and there is also the risk to innocent people if the wrong address is attacked.

Identifying locations of sex offenders can cause them to 'go to ground' and are therefore makes it more difficult to manage their risk - this adds to the risks they pose to the public. It can also lead to unnecessary fears in the community.

#### Decision

There has been considerable debate over the effectiveness of Megan's Law and therefore, by implication, Sarah's Law. Issues raised have included; the increased stereotyping of those on the sex offenders register. This may lead to a reduction in the ability of offenders to find housing and employment, thus leading to their being ostracised and therefore being more likely to reoffend, and the increased risk of sex offenders avoiding registration with offender management services. The perceived benefits of release of this information therefore may be considered to be based on misinformed theories, but in any case balanced against the very real and serious risks associated with release, the decision in this case must favor retention of the names, locations and photographs of these Category 3 Sex Offenders

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 letter.

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.psni.police.uk](http://www.psni.police.uk)

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