



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-00996

Keyword: Crime

Subject: Missing Sex Offenders

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 information in response to questions 1 and 4 in full and;
- fully exempt information in response to questions 2 and 3 pursuant to the provisions of Sections 31 and 38 of the Act.

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?

Answer

In relation to the number of registered sexual offenders whose whereabouts are unknown, PSNI, have as of the 14th March 2012, 1 (one) RSO currently recorded as wanted because their whereabouts are unknown. This total is only valid for the date in question 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.

Question 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

Answer

With regard to persons who the PSNI can no longer account for and details in relation to these

persons I have decided to:

- fully exempt the risk level and further details of each offender missing pursuant to the provisions of Sections 31 and 38 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)(a)(b) Law Enforcement
Section 38(1)(a)(b) Health and Safety

Sections 31 and 38 are Prejudiced based qualified exemptions and this means it is the Public Authority's responsibility to evidence the harm and a Public Interest Test must be carried out.

These tests are listed below

Harm Test

An example of the harm that could be caused would be if the PSNI disclosed that it currently had 12 missing RSOs for their force area, four were classed as Category 1, eight as Category 2 and none for Category three that were currently missing. If an individual from our force area is not complying with the requirements of the Sexual Offenders Act 2003, has gone 'underground' and is aware that they are classed as category 3, this would highlight to that individual that the police are unaware of their 'missing' status and their current breach of the notification requirements.

This knowledge could lead to the individual staying 'underground' and carrying out further offences thus compromising public safety. A tragic example of 'actual' harm is the murder of Angelika Kluk by Peter Tobin, a convicted sex offender which occurred in Glasgow in 2006. Tobin was a convicted sex offender at the time and in breach of the terms imposed on him under the Sexual Offenders Act as he had been missing since October 2005. Public Safety is of paramount importance and the Police Service will not disclose information which would jeopardise safety under any circumstances.

Public Interest Test

Factors favouring release – Section 31

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.

Factors favouring retention – Section 31

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.

Factors favouring release – Section 38

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 and would possibly allow the public to help the police track them down.

Factors favouring retention – Section 38

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 are serious and cannot take priority over public safety.

Balance Test

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 Child Exploitation and Online Protection Centre (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.

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.

Answer

I have been advised that we do not keep these figures as there is no operational requirement for us to do so. The problem is that the one person missing today may not be the same one person that the PSNI would have missing tomorrow. Most of our figures change every day for example an offender could be high risk today but low risk tomorrow after assessment.

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.

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

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