



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2015-00357

**Keyword:** Organisational Information/Governance

**Subject:** Missing Sex Offenders

### Request and Answer:

#### Question 1

The current number of registered sex offenders on the date of this request (or latest available date) whose whereabouts are classed as 'missing'.

#### Question 2

The number of sex offenders who didn't provide their details for the register contrary to their court / release requirement. Please provide for the last calendar year (Jan 2014-Dec 2014) or the latest available full year.

#### Question 3

Of registered sex offenders who have gone missing, what proportion of these individuals are believed to be outside the UK?

#### Question 4

Of the missing registered sex offenders – what MAPPA levels are they managed at?

#### Question 5

How long have the missing sex offenders been classed as missing. If it is not possible to provide this information for each offender please provide what you can.

#### Question 6

How many officers are assigned as their sole role to the management of registered sex offenders in your force area, on the date of this request.

### Answer

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 1,2 and 6 in full; and
- fully exempt information in response to questions 3-5 pursuant to the provisions of Sections 38 and 31 of the Act.

### **Question 1**

The current number of registered sex offenders on the date of this request (or latest available date) whose whereabouts are classed as 'missing'.

### **Answer**

As of 27 January 2015 there are three persons currently wanted for non-compliance with sex offender notification requirements (one of these has also been reported as a missing person by his family). 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**

The number of sex offenders who didn't provide their details for the register contrary to their court / release requirement. Please provide for the last calendar year (Jan 2014-Dec 2014) or the latest available full year.

### **Answer**

There is 15 persons who have been or are in the process of being prosecuted re failing to notify from 1 January 2014 to 31 December 2014. (The offence used for this is Sex Offender failing to notify Police of change of address in time. This is the annual registration as part of the terms OR when they move address and don't advise previously).

### **Question 3**

Of registered sex offenders who have gone missing, what proportion of these individuals are believed to be outside the UK?

### **Question 4**

Of the missing registered sex offenders – what MAPPA levels are they managed at?

### **Question 5**

How long have the missing sex offenders been classed as missing. If it is not possible to provide this information for each offender please provide what you can.

### **Answer**

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 6**

How many officers are assigned as their sole role to the management of registered sex offenders in your force area, on the date of this request.

### **Answer**

There are no officers in PSNI whose sole role is the management of "registered sex offenders". PSNI are one of the main agencies alongside Probation Board Northern Ireland, NI Prison Service, Social Services etc who work within the Public Protection Arrangements Northern Ireland (PPANI). PPANI includes not only notifiable sexual offenders, but also some who are not subject to notification, and certain violent offenders. Each PSNI District has a Public Protection Unit, and there is also a Headquarters Public Protection Team who are mainly involved in the risk assessment and management of those deemed highest risk. However public protection in its widest sense is the responsibility of every police officer.

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.psnipolice.uk](http://www.psnipolice.uk)

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