



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2016-00440

**Keyword:** Crime

**Subject:** Application for Removal from Sex Offender's Register

### Request and Answer:

#### Question 1

Can you tell me how many applications for removal from the sex offenders' register that your police force received from 1/9/12 to 12/2/2016 (both dates inclusive)?

#### Answer

During the requested time period of the 1<sup>st</sup> September 2012 to the 12<sup>th</sup> February 2016, the PSNI has received 50 applications for removal from the sex offenders register.

**Please Note:** 'Indefinite Notifications' were introduced in Northern Ireland on the 1<sup>st</sup> March 2014 and therefore it has only been possible to make an application for removal from the sex offenders register after the 1<sup>st</sup> March 2014.

#### Question 2

How many of these applications were approved?

#### Answer

39 of the applications received by the PSNI were approved.

#### Question 3

In the case of each approved application, please indicate the offence the offender committed.

#### Answer

A breakdown of the offence classification of the offence committed, in relation to the 39 approved applications, is included in the table below:

Offence Classification	Number of Offences
Rape	17
Indecent Assault	16
Incest	3
Buggery	2
Gross Indecency	1

**Please Note:** The Chief Constable is required (upon application) to review the indefinite notification

requirements which apply to sex offenders under Schedule 3A of the Sexual Offences Act 2003. Paragraph 3(1) of Schedule 3A specifies the test for discharging the notification requirements and states that:

On an application under paragraph 2 the Chief Constable shall discharge notification requirements unless the Chief Constable is satisfied –

- (a) that the offender poses a risk of sexual harm; and
- (b) that the risk is such as to justify the notification requirements continuing in the interests of the prevention or investigation of crime or the protection of the public.

The decision making process is in line with statutory guidance provided by the Department of Justice, a copy of which can be found on their website at [www.dojni.gov.uk](http://www.dojni.gov.uk)

#### **Question 4**

Has any offender who was removed from the sex offender's register subsequently committed a sex crime? If so, in each case please indicate a) the nature of the offences for which he/she was originally added to the register b) the nature of the offences committed after he/she was removed from the register.

#### **Answer**

Section 17(1) 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 – Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice

- (a) the prevention or detection of crime
- (b) the apprehension or prosecution of offenders

Section 31 is a prejudice based qualified exemption and this means that the public authority is required to provide the harm that could occur following disclosure of the requested information and must consider the balance of the public interest in releasing the information against the public interest in withholding it.

#### **Harm**

This question asks for information on the number of offenders who after being removed from the sex offender's register have subsequently committed a sex crime. The disclosure of such information may enable an offender to determine whether or not any information relevant to them has been reported to the PSNI and may potentially disclose whether or not they are currently under investigation by the PSNI.

#### **Public Interest Test**

##### Factors favouring release - Section 31

The monitoring of sex offenders is a highly emotive area and is of considerable interest to the public, the release of the requested information would be of interest to the public as it would provide an insight into the actions of these offenders after their removal from the sex offenders register.

##### Factors favouring retention - Section 31

To disclose the requested information may prejudice PSNI law enforcement activities by potentially revealing to an offender whether or not an offence they have committed has been reported to the PSNI and as a result whether they may be under a criminal investigation. This could result in offenders taking measures to counteract PSNI policing activities and could negatively affect the ability of the PSNI to provide effective law enforcement functions.

### **Decision**

The PSNI has a duty to fulfil its law enforcement function and whilst there is a public interest in the transparency of policing activities, particularly with regard to such a sensitive area as sexual offences, the delivery of effective law enforcement will always be of paramount importance and be a priority to the PSNI. Once information is disclosed under the FOI Act there is no control or limits as to who or how the information is shared with other individuals or how they use the information which is disclosed, therefore a release under FOI is considered a disclosure to the world in general. As a result, the Police Service must evaluate all potential outcomes of any disclosure made under the FOIA and will not disclose any information that has the potential to negatively impact the prevention and detection of crime.

In this case, for the reasons outlined above, I am satisfied that an exemption under Section 31 is applicable to the information requested and this therefore should be considered a refusal notice in relation to this FOI request.

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.