

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-00025

Keyword: Crime

Subject: Missing Sex Offenders

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider the information you seek in Request 2 is partially exempt by virtue of Section 31 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

F-2020-02306 refers. Of the 10 sex offenders missing, please could you tell me what risk level each is (i.e. low, medium or high risk).

Answer

Of the 10 outstanding persons:

Cat 1 (low Risk) - 5
Cat 2 Medium Risk) -2
Cat 3 (High Risk) - 0
No Category set – 3

Please note: Offenders are designated as 'No category set' until such times as they are discussed at a Local Area Public Protection Panel where Category of Risk is decided by a multi-agency panel. Offenders with this classification may not have been located from time of conviction.

Request 2

Whether they are believed to be abroad.

Again, please could you break it down into each year.

Answer

All persons are believed to be outside the UK, having returned to their country of origin.

Protecting the public from sexual and violent offenders is a key role for the Police Service of Northern Ireland.

A large proportion of the recorded wanted or missing sex offenders in the UK are, following investigation, either known or believed to be living abroad or have returned to their country of origin. When an offender subject to notification requirements under the Sexual Offences Act 2003 is missing or wanted in the UK, all police forces are alerted. If they return to the UK, there are several processes in place to ensure that they are brought to the attention of police and arrested where appropriate.

The UK has some of the most effective tools in the world to manage offenders subject to notification requirements under the Sexual offences Act 2003. While the reality is that the risks posed to the public by such individuals can never be completely eliminated, there is significant evidence that the multi-agency Public Protection Arrangements N Ireland (PPANI) successfully keeps them to a minimum.

As previously mentioned, a yearly breakdown is being withheld pursuant to S31 of the FOIA and the following explanation is provided.

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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31 (1) – Law Enforcement (a) the prevention or detection of crime (b) the apprehension or prosecution of offenders

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 31 is a qualified and prejudice-based exemption. This means that the legislators have determined that it is necessary to evidence the harm in release and to conduct a public interest test.

The summary of the Harm and Public Interest considerations for Section 31 are provided below:

Harm

The release of information under the Freedom of Information Act is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

In addition, there is a strong argument to suggest that disclosure of information may provide intelligence to offenders themselves as it would highlight to those missing that PSNI are aware of their whereabouts, or not and such awareness would allow missing RSOs to take steps to evade apprehension. Whilst it is the prerogative of the Police Service to demonstrate transparency and accountability in respect of its functions and performance overall, it would not be conducive to disclose any information that is of a tactical advantage to any person who would otherwise frustrate or impede the detection and apprehension of an offender or person at large.

Public Interest Test

Factors Favouring Disclosure

Disclosure of this information demonstrates police awareness of offenders who are missing, providing reassurance to the public that the police have the ability and resources in place to ensure the proper police management of sexual offenders on the register. The suspected location of these offenders who are missing will be relevant to judging the efficiency and effectiveness of the force.

This information will enable the public to be better informed with regard to the activities of those offenders whose whereabouts are unknown. This information would inform debate on the issues concerning the management of sexual offenders and allow evaluation of PPANI processes. Similarly, it will inform debate on any perceived failings of the system.

In addition to encouraging the public to report information specifically concerning missing offenders, such a disclosure raises the profile of underlying issues of sexual offending and child abuse and will encourage reporting of actual incidents of abuse, many of which go unreported at present.

Factors Favouring Non-Disclosure

Disclosure of this information may compromise the current or future law enforcement role of the force. In this case, providing a yearly breakdown in respect of missing RSOs, suspected to be abroad, may enable an offender to know whether or not their disappearance has been detected, this will enable them to take steps to make it more difficult to detect their whereabouts.

This may mean that additional resources have to be diverted in order to locate them, which will cause a reduction of capability in other areas of public protection. Similarly, disclosure at this level may result in the negative impact on those offenders who are managed within the PPANI system and could drive offenders underground believing that there is every likelihood that they could avoid discovery, thus reducing the effectiveness of the system.

PSNI work closely with other Partner Agencies to ensure that we efficiently manage those persons under the management of PPANI and we would not wish to undermine any work already completed to try to ascertain the whereabouts of those missing RSOs by disclosing information via Freedom of Information disclosures. This would undermine the partnership approach to information sharing and would inhibit future law enforcement in this area and indeed any other occasions where a partnership approach is required

Decision

The considerations 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 PPANI reports, appropriate media releases and key performance indicators. This is enhanced by the monitoring functions of Her Majesty's Inspectorate of Constabulary (HMIC). The Police (NI) Act 1998 established the Police Ombudsman for Northern Ireland who ensures any complaints about the police service are dealt with appropriately. 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 made 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 where possible. 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, including whether or not any gaps exist in the quality of the information held. Opposed to considerations favouring disclosure is the key negative of public safety. We can never be entirely sure what effect information disclosures may have. The impact of an uncontrolled disclosure of such information can only be estimated on the basis of previous occasions when offenders whose whereabouts are unknown have re-offended.

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 whom they are, should one person suffer as a result of a disclosure under this legislation.

On this basis and for the reasons outlined above, 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 Corporate Information Branch, 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 Corporate Information Branch, 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.