Sex Offenders and Disclosure
‘Sex Offenders Register’ - Requirements to Notify (within 3 days)

- 30 months imprisonment = indefinitely (soon to be 15 years ECHR)
- 6-30 months = 10 years
- 6 months or less = 7 years
- Other disposal = 5 years
- Caution = 2 years
Notification Requirements

- Annual notification + photographs and fingerprints
- Any address for 7 days or more – 3 days to notify Police
- Travel outside the United Kingdom
- 2 failed attempts by Police to enter his premises = Police can apply to court for warrant (Section 96)
- Sexual Offences Prevention Orders (Section 104).
- Foreign Travel Orders (Section 114)
- Notification Orders (Section 97)
Classification of Risk within PPANI

» Category 1 (No requirement for multi-agency intervention)
  “Someone whose previous offending and/or current behaviour and/or current circumstances present little evidence that they could cause serious harm through carrying out a contact sexual or violent offence.”

» Category 2 (Requirement for multi-agency intervention)
  “Someone whose previous offending, and/or current behaviour and/or current circumstances present clear and identifiable evidence that they could cause serious harm through carrying out a contact sexual or violent offence.”

» Category 3 (Requirement for intense/focused multi-agency intervention)
  “Someone whose previous offending, and/or current behaviour and/or current circumstances present clear identifiable evidence that they are highly likely to cause serious harm through carrying out a contact sexual or violent offence.”
Sex Offenders required to Notify under Sexual Offences Act 2003

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<th>Category</th>
<th>In Community</th>
<th>In Prison</th>
<th>Total</th>
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(27/04/12)
To Disclose or Not Disclose?

• Public Interest  V Interest of the Public
Data Protection Act 1998

55 Unlawful obtaining etc. of personal data.
(1) A person must not knowingly or recklessly, without the consent of the data controller—
(a) obtain or disclose personal data or the information contained in personal data, or
(b) procure the disclosure to another person of the information contained in personal data.
(2) Subsection (1) does not apply to a person who shows—
(a) that the obtaining, disclosing or procuring—
(i) was necessary for the purpose of preventing or detecting crime, or
(ii) was required or authorised by or under any enactment, by any rule of law or by the order of a court,
(b) that he acted in the reasonable belief that he had in law the right to obtain or disclose the data or information or, as the case may be, to procure the disclosure of the information to the other person,
(c) that he acted in the reasonable belief that he would have had the consent of the data controller if the data controller had known of the obtaining, disclosing or procuring and the circumstances of it, or
(d) that in the particular circumstances the obtaining, disclosing or procuring was justified as being in the public interest.
Main ECHR Considerations

• Art 2 – Right to Life
• Art 3 – Prohibition of Torture
• Art 8 – Respect for Private and Family Life
Some Very important considerations

• Victims
• Vacate – ‘going to ground’
• Vigilantes
• ‘Village of Northern Ireland’
VICTIMS

• Large percentage of sexual offending occurs in family/social setting.
• Disclosure of sex offender could reveal the identity of the victim.
• Stigmatisation of sex offenders family where they are receiving him back after prison.
Vacate ‘Going to ground’

One in ten dangerous sex offenders missing

Gardai unsure where rapists and paedophiles are

By All Brucken
Crime Correspondent

Statistics collected of sex offenders since 2001 are placed on the Sex Offenders’ Register and are monitored by Gardai upon their release.

In the majority of cases they are not actively monitored but must supply Gardai with an address. However, anyone convicted before 2001 is not monitored. There are certain exceptions made such as in the case of rapist Tony Murphy.

Independent TD Denis Naughten, who obtained the figures from the Central Statistics Office, said he was alarmed by the findings.

"My concern is that this is the tip of the iceberg and that there could be many more sex offenders who have served without informing police and who are not aware of it," he said.

While there have been several convictions, some of those sex offenders could have disappeared altogether. This fact that one in ten people do not comply with their registered address without informing Gardai.

Write to the Minister for Justice, Equality and Law Reform, and demand that all sex offenders are kept under close surveillance.

"A major cause for concern"
Northern Ireland

• 99% (+) are where they are supposed to be!
• i.e. compliance with the Notification Requirements is high.
• Better to spend resources managing risk in ‘controlled’ way than searching for the sex offenders.
Comparison with England and Wales

- Current MAPPA Guidance recommends the following police home visit scheme for RSO’s:
  - Very High Risk – monthly
  - High Risk – every three months
  - Medium – every six months
  - Low – every twelve months
Northern Ireland

• High Risk – weekly
• Medium Risk – every month
• Low Risk – every 6 months
Vigilante Action

- Attacks on a Paediatrician’s House
- Little activity following the disclosure scheme in GB
- Reality check – we do not live in sunny Surrey!
RAAD VOWS TO ‘execute’ sex perverts

Vigilante killers in new vow

Republican vigilante group RAAD has set its sights on sex offenders.

A local group called RAAD, or Republican Action Against Drugs, has issued a chilling warning against sex offenders, warning they will take direct action against child abusers if they continue to break the law.

The group has been formed in response to the increasing number of child abuse cases in the area, and has vowed to take matters into their own hands.

Yet the group has sparked controversy, with some saying it is not the role of civilians to take the law into their own hands.

A member of the group, who has asked to remain anonymous, said: "We have been approached by members of our community asking us to take action. We believe it is the right thing to do to protect our children."
Context of Northern Ireland

• History of punishment attacks – current analysis of attacks where the motivation is suspected to be because victim is a perceived sex offender.

• Art 2 & 3 balanced with Art 8

• Public Interest \( \checkmark \) Interest of the Public
Current Procedures within PPANI

• Definition of Disclosure: “The communication to any party outside the public protection arrangements of any information that relates to an individual, whose risk is being managed through public protection arrangements, for the purpose of assisting the management of risk. The disclosure will be a component of the management plan for that identified individual.”
Reason for Disclosure

- Agencies involved in the public protection arrangements are responsible for maintaining confidentiality in respect of all cases. Occasionally that duty to maintain confidentiality will be overridden where there is a greater need to protect the public or any individual or section of the community. This situation may arise when intelligence or information indicates that an individual could cause serious harm to another person.
Justifiable?

» Disclosure may become justifiable where it is not possible to reduce the risk through other means. It will be necessary to demonstrate how disclosure is likely to assist the containment or removal of the identified risk. There can be no general rule for disclosure; each case must be decided on its own merits.
The following points must be considered:

» The nature and the extent of the information to be disclosed.
» The person receiving the information.
» How the receiver will utilise the information.
» Disclosure of information will not abrogate the LAPPP or any of the partner agencies of their responsibilities. Disclosure of information to a third party must be viewed as only one component of a full management of risk plan.
Making the Decision to Disclose Information

» In all Category 1 cases, the decision to disclose information will rest with the managing agency with advice available from the relevant PSNI PPU Inspector as required.

» As the Police Service of Northern Ireland holds responsibility for the retention of all information considered by agencies at LAPPPs on offenders assessed as Category 2 and 3 risk of serious harm, the decision to disclose personal or confidential information about an individual will in these cases be made, as soon as possible, by a senior police officer (Assistant Chief Constable), following recommendation from agencies attending the LAPPP.
Disclosure at present

- Verifiable Self-Disclosure
- Social Services – Child Protection
- LAPPP Meeting
- Form PPANI 4 completed
- ACC (SID) via PPANI Links (HR Legal Input)
TAKE YOUR SEX OFFENDERS HOME TO IRELAND!

PAEDOPHILES OUT!
The End
Questions

• Public Interest vs. Interest of the Public?
• Protect Public or false sense of security?
• What are the gaps in the current system that a disclosure scheme would close?