



Sex Offenders and Disclosure

Personal

Professional

Protective

'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

Category	In Community	In Prison	Total
3	3	14	17
2	137	56	193
1	1078	68	1146

(27/04/12)

To Disclose or Not Disclose?

- Public Interest ≠ 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’

IRISH DAILY MAIL 28/11/11

One in ten dangerous sex offenders missing

Gardaí unsure where rapists and paedophiles are

ONE in ten dangerous sex offenders has disappeared without informing gardaí of their whereabouts over the past three and a half years, figures reveal.

Some 115 rapists and paedophiles breached the terms of their bail by failing to inform officers when they left the address they were registered at, or the country, from 2008 until June this year.

There are 1,164 sex offenders who must comply with Part 2 of the Sex Offenders Act 2010. This says they must inform gardaí if they move address or go on holiday.

Some 27 rapists and paedophiles have been convicted for breaching Part 2 of the Act since proceedings against 43 offenders were initiated. Breaching these terms can result in a jail term of up to five years.

However, 115 disappeared from their registered address without informing gardaí.

While some of the 115 were not charged because officers accepted the breach was unintentional, others have not been found.

By **All Bracken**
Crime Correspondent

Criminals convicted of sex offences since 2001 are placed on the Sex Offenders' Register and are monitored by gardaí upon their release.

In the majority of cases they are not actively monitored but must supply gardaí with an address.

However, anyone convicted before 2001 is not monitored. But, certain exceptions are made, such as in the case of rapist Larry Murphy.

Independent TD Denis Naughtin, 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 moved without informing gardaí but they are not aware of this yet,' he said.

'While there have been several convictions, some of these sex offenders could have disappeared altogether. The fact that one in ten people is not complying with it is a major cause for concern.' In 2008, 14 sex offenders disap-

peared from their registered address; 24 in 2009; 50 last year and 26 in the first half of this year.

Mr Naughtin found it worrying that the number of sex offenders disappearing doubled last year.

He said he supported the idea that the whereabouts of some convicted offenders and paedophiles should be made available to communities.

'I think power should be given to communities in terms of information about dangerous sex offenders living in the area,' he

'A major cause for concern'

said. 'The Minister [Alan Shatter] has given a commitment that he is bring in new legislation, this should be done as a matter of urgency.'

Minister O'Malley Dunlop, of the Dublin Rape Crisis Network, said gardaí need to be provided with more resources to monitor sex offenders adequately.

'There needs to be more robust management of sex offenders. Gardaí do a very good job but we

do not want dangerous sex offenders disappearing and going underground,' she said.

Two weeks ago, the Irish Daily Mail revealed that under tough laws being introduced by the Justice Minister, parents will be told when dangerous sex offenders move into their neighbourhood.

Mr Shatter plans to bring in a watered-down version of the controversial American Megan's Law, which allows local authorities to publish the names and addresses of convicted sex attackers living in their area.

However, the new statute will not go as far as Megan's Law - named after a seven-year-old raped and murdered by a repeat offender in New Jersey.

The Department of Justice has confirmed it will not introduce an exact replica of Megan's Law because of fears that publishing addresses could drive some criminals underground and increase their potential to re-offend.

Instead, gardaí will have a statutory right to tell parents if a dangerous sex offender moves into their area. Parents will have the right to ask if one is living locally or near their child's school.

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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

EXCLUSIVE BY PAULA MACKIN

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

Last night Republican Action Against Drugs issued a chilling warning against sex offenders, warning they will take direct action against child abusers and rapists living in their community.

And they have already issued 3000 CL posts against 1000s of sex abusers, two of which in the Duncannon area and one in Carrigrohane in Co. Wexford.

Speaking to the Sunday World last night a spokesperson for the vigilante linked to the 'RAAD' group said they have been extended to include those who are as well as those who participate in anti-social behaviour and drug dealing.

And they warned that anyone who was caught committing such crimes would suffer the 'ultimate punishment'.

"We have been approached by members of our community asking us for help in dealing with these individuals," the RAAD spokesperson told us.

"We have promised that we would respond to their requests.

"We have been issuing many claims since that investigation is complete those who have been proven guilty will be dealt with.

"They will receive the necessary punishment if they have any sense they will leave our community, they would not otherwise all round," he said.

RAAD stated that they have already informed those who are currently 'under investigation' that their lives are in danger.

RESPONSIBLE

"Like we have said before they know who they are and so do we, one day if they think they can live peacefully within our communities the consequences for those who are caught will be dealt with accordingly and that is a fact. It's the mothers and fathers who live in our own areas who are coming to us begging us to help where no one else will," he added.

Responding to the warning by RAAD the PSNI said that they could not discuss the security of any individual.

"If we receive information that a person's life may be at risk we will inform them accordingly. We never ignore anything which may put an individual at risk," a police spokesperson said.

RAAD, a vigilante group that originated in Duncannon, claims they are recruiting members across the north of Ireland.

"We are gaining support by the day. The majority of people have no problem with us clearing up the streets. Getting rid of drug, alcohol and prostitution, that's what they want."

The group is responsible for dozens of jobs, many being reported and cleared up in Duncannon in the past two years. They insist they are all fully of a catalogue of alleged anti-social crimes including burglary, car theft and drug dealing.

Andrew Allen, originally from Carrigrohane, was killed in Carrigrohane in February 2008. RAAD claims the killing. The father of two was the first man to be murdered by RAAD.

Last month, victims Ben and Carla McFadden were also allegedly 'by appointment'.

They were shot in the legs after a 15-minute raid on the vigilante group.



DRUG DEALER: Andy Allen was shot dead



SHOCK: Garda's outside the murder house

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 V 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!***

MARS
FOR
MARTIANS



PAEDOPHILES OUT!

The End

Questions

- Public Interest **V** 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?