

EXEMPTION NOTICE

Reference: 4402/13

Information Requested:

For each sex offender who was successful in their application, please provide a summary of the reasoning behind the force's judgement

REASONS FOR APPLYING THE EXEMPTION

Section 31(1) (a) (b)

Harm

The request asks for reasoning as to why a (previously registered) RSO was successful in their application for removal from the need to notify.

The effect of placing the information requested into the public domain would allow those who are currently registered as a Sex Offender knowing how they can be successfully removed and avoid notifying/registration.

Therefore if WMP were to disclose such information it could inform those whose intentions are insincere how to phrase their applications in order to avoid their mandatory registration/notification. This knowledge could lead to the individual being removed from the register inappropriately, thereby placing the young and vulnerable at risk.

Issues that favour disclosure

Section 31

Accountability

This factor is relevant when the information disclosed relates directly to the efficiency and effectiveness of the force or its officers. The purpose of the Act is to make public authorities more accountable, and the public interest will favour disclosure, for example, when the information demonstrates how the force fulfils their role or function. Disclosure of this information demonstrates that there are avenues for individuals to become "de-registered" and no longer need to notify the authorities of certain occurrences.

Issues that favour non-disclosure

Section 31

Efficient and effective conduct of the service/ a force

The public interest will favour non-disclosure when the current or future law enforcement role of the force may be compromised by the release of information. Providing successful reasons why individuals have successfully been removed from the need to notify could result in individuals purposely engineering specific factors to match; possibly enabling them to go “underground”. This may mean that additional resources will need to be diverted in order to locate them. These resources are finite and this will cause a reduction of capability in other areas of public protection. Similarly, the negative impact on those offenders who are managed within the MAPPA system could slip and allow them to go underground too, reducing the effectiveness of the system.

Conclusion

The factors 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 the annual MAPPA report, appropriate media releases and key performance indicators. This is enhanced by the monitoring functions of Her Majesty’s Inspectorate of Constabulary. There is also a well established legislative process, via the Police Reform Act, whereby the Independent Police Complaints Commission will ensure 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 do not currently need to register/notify in accordance with the (previous) stipulations laid upon them. However, the reasons for this change in situation may place them at harm if those that still need to register know how to manipulate events in order to get “de-registered”.

Opposed to factors favouring disclosure is the key negative of public safety. This information is useful intelligence to those offenders who are not complying and release could, in certain circumstances, allow them to stay/go ‘underground’ and commit further offences. The police service would be failing in its 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.