



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT
(Hansard)

**Briefing on the Sex Offender
Notification Consultation**

20 May 2010

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR JUSTICE

A Briefing on the Sex Offender Notification Consultation

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Members present for all or part of the proceedings:

Lord Morrow (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Jonathan Bell
Mr Jeffrey Donaldson
Mr Tom Elliott
Mrs Dolores Kelly
Mr Alban Maginness
Mr David McNarry
Ms Carál Ní Chuilín
Mr Alastair Ross

Witnesses:

Mr Stephen Cowan) Department of Justice
Mr Tom Haire)
Mr Gareth Johnston)
Ms Amanda Patterson)

The Chairperson (Lord Morrow):

Mr Johnston and Mr Haire have been witnesses in the previous two sessions today, and they will stay for this one, too. We are joined by Amanda Patterson and Stephen Cowan from the public protection unit of the justice strategy division in the Department of Justice. You are very welcome. I remind members that briefing papers are in the members' packs, and I remind those who have come forward to the table that the session is being recorded by Hansard. I invite you to make your presentation.

Ms Amanda Patterson (Department of Justice):

Thank you, Chairman. Stephen Cowan and I make up the public protection unit in the Department of Justice. Obviously, it is a small unit. We deal exclusively with policy and legislation on three separate but connected areas. They are the sex offender notification requirements under which the proposal has been made; the public protection arrangements that deal with the risk from sex offenders and violent offenders in the community under the Criminal Justice (Northern Ireland) Order 2008; and the criminal law on sexual offences under the Sexual Offences (Northern Ireland) Order 2008. We have both worked in that field for a considerable number of years. I think that that is all that we need to say about our backgrounds.

The policy proposal that we are here to discuss, which you will have in front of you, is — to refer back to a comment that you made earlier, Chairman — specific to Northern Ireland. It is not law in the rest of the UK. To give you a brief overview; in the past, the sex offender notification requirements would commonly have been referred to as the sex offenders register. We choose not to use that term because it is slightly misleading.

The purpose of the requirements is to provide police with information on the identity and whereabouts of sex offenders to help with prevention and investigation of crime. The onus is placed on an offender who is leaving prison or on a community sentence to report to a police station within three days of leaving prison to provide details of identity and residence. The police must be notified of any changes to those details. Once a year, all of that information must be confirmed. Offenders must also notify police of plans to travel outside the jurisdiction for more than three days. Failure to comply with those arrangements is a criminal offence with a maximum sentence of five years' imprisonment. There are currently more than 900 sex offenders who are subject to notification in Northern Ireland.

It is in that context that we are looking at the policy proposal. In March 2010, a consultation paper was published. The consultation period closed last week. We received eight responses, most of which are supportive. The paper explains that the proposal seeks to change the way in which current provisions in the Sexual Offences Act 2003 apply the notification requirements to those who are convicted of a sexual offence outside of the UK. I want to emphasise that it does not change the overall current policy intention, which is that all sex offenders who reside in the jurisdiction for more than three days must make police aware of their identity and whereabouts in the interest of prevention, investigation and detection of crime. That is the overall policy

intention and it will not be changed by this proposal.

The proposal does not have any impact on the ability of offenders to travel and move across borders. They can do that in the same way as anyone else. The proposal is designed only to improve the police's ability to offer better protection against offenders who are known to be in this jurisdiction.

Under current law, the police have to apply to the courts for a notification order before notification requirements can be attached to an offender who has a conviction for an offence outside the UK. Since the notification orders that were introduced in the Sexual Offences Act 2003 came into effect in May 2004, 19 orders have been applied for and 19 orders granted by the courts.

That would change under the proposal. The court process would be removed from the procedures, and the onus would be placed directly on the individual offender to notify the police once he had been in this jurisdiction for more than three days. The proposed change originates from a request by the police, who have been asking for it for some time. It is similar to the legislation in the Republic of Ireland, except that offenders who go into the Republic of Ireland have seven days to notify the police. However, the same requirement to notify the police is placed on them. That is in legislation in the Republic of Ireland, and we suggest that it should be in Northern Ireland.

The police see the main benefits as having value in deterrents that put offenders off using borders as a method of trying to escape the attention of the authorities. It places the onus directly on offenders: if they do not comply within three days, they can be arrested immediately. It will reduce the time that is taken to obtain notification requirements, because there will be no need to go through the court process. Therefore, police time and some court time will be saved. It makes the provisions throughout the island more joined up and effective.

The proposal is not a change in overall policy direction but a change in how existing policy is applied. It has been recommended by the police in the interests of better public protection, and it ties in with the already close operational co-operation between the two police services. I am happy to take any questions that the Committee may have.

Ms Ní Chuilín:

You probably heard the question that I asked in an earlier session about child protection, particularly as regards sexual predators and sexual offences. If I heard you right, sex offenders could travel from Derry to Donegal and do not have to let the gardaí know until they have been there for seven days. Technically, they could come back to Derry on the sixth day and return to Donegal a day later, thereby avoiding the seven-day disclosure obligation.

Ms Patterson:

The arrangements work only when the police services know of an offender's intention to travel. People will move without telling the authorities, and there is nothing that can be done. If the gardaí know that an offender from the South is planning to come to the North, they will pass that information on to the police here, and vice versa. As Gareth mentioned in a previous session, there is very close co-operation under the memorandum of understanding.

Ms Ní Chuilín:

I know that this matter was discussed some time ago, but is there the same co-operation through international memorandums of understanding in respect of people trafficking children for sexual offences?

Ms Patterson:

I am not sure that I am qualified to give an answer on international agreements on human trafficking.

Ms Ní Chuilín:

The Bill aims to improve the legislation relating to human trafficking, and the matter was raised with the Minister of Justice in an informal meeting on Monday 10 May. I assume that the Bill will provide better scrutiny for us to look at the existing legislation. I have heard more about human-trafficking offences on the news in recent times than I have ever heard before, and I am sure that other members have too.

Mr Gareth Johnston (Department of Justice):

Recently, more attention has been given to human trafficking in general. Arrangements and collaborations have been established with the voluntary sector to ensure that victims are properly accommodated and supported in line with international obligations.

Mr Tom Haire (Department of Justice):

The law on sexual trafficking has recently been changed and there has been a clamping down on pimps and customers. Those arrangements were brought in under the Coroners and Justice Act 2009.

Mr Johnston:

I cannot point to a specific provision in the proposed Bill that will impact on human trafficking. However, a significant wider programme of attention has been given to the issue.

Ms Ní Chuilín:

Therefore, there is no scope in the proposed Bill to include additional legislation to cover human trafficking.

Mr Johnston:

I am not sure whether an additional need for legislation in that area was brought to the attention of the Department. However, human trafficking will be kept under constant review if legislation would help the police in their efforts.

In Northern Ireland, human trafficking has, thankfully, been limited, but there have been incidents and it is important that the Department is ready to respond to them.

The Chairperson:

Did you say that the police generally agreed with the proposed legislation?

Ms Patterson:

Yes. The police made the original request for the legislation to be changed so that they could better protect the public from offenders in Northern Ireland.

The Chairperson:

Therefore, are the police reasonably satisfied that the proposed provision will close any loopholes that may have existed?

Ms Patterson:

Perhaps “loopholes” is too strong a word, but the provisions will tighten things up and make it easier for the police to operate those procedures.

Mr Bell:

Ms Ní Chuilín raised some important points. From my professional experience, I know that human trafficking was limited; however, it does exist and Operation Pentameter confirmed that. As a social worker, I came across young people who I could never prove had been trafficked, but there was always a strong suspicion that they had been. The reality of human trafficking may be masked.

Mr Haire, what Act did you say covered human trafficking offences?

Mr Haire:

It is the Coroners and Justice Act 2009.

Mr Bell:

Is that in force?

Mr Haire:

Yes. It was passed in November 2009. I can provide you with further details on that if necessary.

Mr Bell:

That would be useful.

Ms Patterson, thank you for your presentation; it was very valuable. Do you feel that the current notification requirements are adequate? I am aware that they have been extended, but has there been any evaluation on whether they meet the current need?

Ms Patterson:

They certainly seem to be successful in their aim. There is a very high compliance rate of more than 90% for notification requirements. It is successful in that respect, and there have been no approaches from the police to point out any particular difficulties. As far as the Department is concerned, the notification requirements work successfully.

Mr Bell:

I wish to place on record my thanks to those who work in the multi-agency sex offender risk assessment and management (MASRAM). Those people are former professional colleagues of mine in the police and the Public Prosecution Service (PPS), who do an excellent job with difficult people, and under very difficult circumstances. I used to sit on one of those panels, and I know how often they vet and check offenders, and, if they are dealing with 90% of all identified paedophiles and offenders, they are doing a great job for Northern Ireland.

The Chairperson:

We all agree with that.

Ms Ní Chuilín:

Absolutely.

Mr McNarry:

You are welcome. You said that a change to the law would mean that, if sex offenders who have been convicted outside the United Kingdom reside in Northern Ireland for more than three days, they will automatically be subject to notification requirements under the sex offenders register. Will you explain what “reside” means?

Ms Patterson:

It means that if sex offenders are here for more than three days, they are required to notify the police of their details on the fourth day. If they do not, the police will have the power to arrest them. The police will have the power to say, “You are obliged under the law in this country to notify us of your details.” That is all on the basis that the police know that they are here and that they have convictions from elsewhere. If such offenders notify the police, that is fine. If they do not, they will be subject to arrest and may be charged and prosecuted.

Mr McNarry:

Therefore, sex offenders who make themselves known would readily comply with that.

Ms Patterson:

That is what we want to achieve.

Mr McNarry:

The ones to worry about are those who try to dodge that.

Ms Patterson:

Yes.

Mr McNarry:

Do the police need to know how long they are staying for? For example, do you need to know whether they are staying for three days or permanently?

Ms Patterson:

It does not matter how long they stay for.

Mr McNarry:

Therefore, as long as they adhere to that three-day rule and the police know where they are, it does not matter whether they are staying in a caravan park or a guest house.

Ms Patterson:

Yes, that is right.

The Chairperson:

No other members have intimated that they wish to ask a question. Thank you for your presentation. We commend you on your work. When it is convenient, will you send the Committee a summary of those recommendations?

Ms Patterson:

We will. Thank you.