



Response Date:06/08/2024

2024/731 - RSO's

In response to your recent request for information regarding;

I would like to are there any known paedophiles living in Mold town centre please...

North Wales Police can neither confirm nor deny whether information relevant to this request is held, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 30(3) - Investigations and proceedings conducted by public authorities

Section 31(3) - Law enforcement

Section 38(2) - Health and safety

Sections 31 and 38 are prejudice based qualified exemptions and any prejudice (harm) that confirming or denying information is held would cause must be articulated as well as the public interest considerations.

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying the information exists is the appropriate response

Harm in complying with Section 1(1)(a) – to confirm or not whether any information is or isn't held in relation to request.

Confirmation or denial to the world that information is held would undermine the confidentiality expected by any offenders who have served their term of imprisonment and are trying to move on with their lives and rehabilitate into the community.

The community at large may disagree with the above paragraph, however what needs to be remembered is that the Police Service generally has a duty of care to all individuals be they victims of offenders as well as offenders themselves.

North Wales Police follow legislation covered by statute as well as national guidance contained within the College of Policing Authorised Professional Practice information (APP) to ensure the delivery of effective operational law enforcement. When applied correctly, and supported by appropriate training, it is proportional, lawful and ethical which provides an effective means in the day to day tasks faced by the Police Service.

In addition the College of Policing APP [Information Management Module](#) is a national standard adhered to by all police forces across England and Wales. Police information refers to all information obtained, recorded or processed for a policing purpose and includes information which is processed (known as data, including personal data) and information which has been subject to a process of evaluation (known as intelligence)

Confirmation or denial that information is held relevant to this request would undermine the APP for both Investigations and Information Management.

Police forces work in conjunction with other agencies, such as the National Probation Service and the HM Prison Service, and information is freely shared within these agencies in line with information sharing protocols. Modern-day policing is intelligence led which is particularly pertinent with regard to monitoring registered sexual offenders. As part of North Wales Police' responsibility to deliver effective operational law enforcement we liaise with outside agencies and share information 'known as intelligence' with other police forces and agencies in an endeavour to assist with the prevention and detection of crime and the apprehension or prosecution of offenders.

The impact of confirming or denying whether information is held would undermine the College of Policing APP process as well as the Multi-Agency Public Protection Arrangements (MAPPA) with other agencies.

Furthermore, to confirm or deny whether information is held has the potential to undermine the flow of information (intelligence) received from members of the public into the Police Service and other outside agencies relating to this type of offending. Confirmation or denial would also undermine both ongoing investigations, the APP for Investigations and also the APP for Information management. This could in turn lead to police officers have to be removed from their frontline duties in order to increase manpower on an investigation.

Finally, confirmation or denial that registered sexual offenders reside within a small area (town centre) which has a very low population level, could lead to identification or even misidentification of an individual and has the potential to provoke unrest within the community resulting in vigilante type behaviour.

The Police Service has a duty of care to offenders living in the community as well as victims. As identified above to reveal their location could lead to identification or misidentification of an individual. For example, by confirming that there is one RSO residing within a particular area has the potential to result in an individual being targeted by members of the community which potentially could result in serious injury or death.

As stated above the duty of care covers victims of sexual offenders too. Their safety would also be compromised if a registered sexual offender took evasive action by moving locations, no longer fulfilling their requirements to register with the local police and ultimately going on to commit further offences.

Public Interest Considerations

Section 30

Factors favouring complying with Section 1(1)(a)

Confirming or denying whether information exists for this request would lead to a better informed general public by identifying that North Wales Police robustly monitor registered sexual offenders in line with MAPPA arrangements. This fact alone may encourage individuals to provide intelligence in order to assist with the monitoring of RSOs and would also promote public trust in providing transparency and demonstrating openness and accountability with regard to the notification requirements of individuals convicted of a sexual offence and receiving a requirement to notify their whereabouts under the Sexual Offences Act 2003.

The public are also entitled to know how public funds are spent, particularly in the current economic climate.

Sexual offending attracts high profile media and public interest connotations. Confirmation or denial that any information exists could provide reassurance to the general public.

Factors against complying with Section 1(1)(a)

Should offenders take evasive action to avoid detection, police resources may well be diverted from frontline duties and other areas of policing in order to locate and apprehend these individuals. In addition, the safety of individuals and victims would be compromised.

Section 31

Factors favouring complying with Section 1(1)(a)

There is a lot of information contained within the MAPPA Annual Reports relating to the management and monitoring of registered sexual offenders and that in itself can be considered to be a factor for disclosure. This report can be found at the below link:

[Multi-agency public protection arrangements \(MAPPA\) annual reports 2022 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612812/mappa-annual-reports-2022-to-2023.pdf)

Factors against complying with Section 1(1)(a)

Confirming whether or not information is held in this case would suggest that North Wales Police take their responsibility to protect confidential information provided to them seriously and appropriately to ensure the effective delivery of operational law enforcement.

In addition North Wales Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information (by citing an exemption or stating no information held) to an offender that they could use to their advantage could compromise public safety as it may encourage offenders to carry out further crimes.

North Wales Police relies on information being supplied by the public. Irrespective of what information is or isn't held, by applying substantive exemptions would indicate that information is held and therefore an individual subject to notification requirements under the Sexual Offences Act 2003 is currently living in Isleham. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Section 38 (2) 'Health & Safety'

Factors Favouring Confirmation or Denial

Confirmation or denial of the existence of the information would allow for better informed public awareness and debate and would assist the public in deciding whether they should take steps to protect themselves.

Factors Against Confirmation or Denial

Confirmation or denial of this information would create a significant risk to residents in the area who may be suspected of being sex offenders. Potentially there is a likelihood of reprisals/attacks against those suspected of being on the sex offenders register.

Balancing Test

The points above highlight the merits of confirming or denying that information pertinent to this request exists. The Police Service relies heavily on the public providing information to assist in the delivery of law enforcement and has a duty to protect and defend vulnerable individuals. The public has an expectation that any information they provide will be treated with confidence as mentioned within the harm. Anything which places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service.

In addition, the effective delivery of operational law enforcement takes priority and is at the forefront of North Wales Police to ensure the prevention and detective of crime is carried out and the effective

apprehension or prosecution of offenders is maintained. This includes ensuring our relationship with other agencies runs smoothly in the joint approach to multi-agency investigations.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held is not made out.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 06/08/2024