

WHERE ARE THEY NOW?: AN EVALUATION OF SEX OFFENDER REGISTRATION IN ENGLAND AND WALES

Briefing Note

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Summary

This is the first study to examine how the police service is implementing the registration provisions of the Sex Offenders Act 1997. The research aimed to investigate police perspectives on the registration provision, particularly in relation to its objective of contributing to the detection, prevention and deterrence of sex offending. The study also aimed to describe the processing of registration information, and to examine rates of compliance with these provisions. Other issues such as training, inter-agency working in this area and disclosure of information were also considered.

The Act requires certain categories of sex offenders who were convicted or cautioned on or after that date, or who were serving custodial or community sentences, or were under post-release supervision at that date, to notify the police of their names and addresses and of any subsequent changes. This requirement lasts for periods of time that vary according to the seriousness of the offence but it is a lifetime requirement for anyone imprisoned for 30 months or more.

This study was undertaken between August 1998 and April 1999. The first phase consisted of a national survey of all forces in England and Wales. This was followed in the second phase by interviews in each force with the senior officer responsible for overseeing implementation of the Act and the officer designated as the point of receipt of registration information. The third phase consisted of visits to six forces and interviews conducted with selected officers within these forces.

The current picture

The total number of sex offenders with a registration requirement on the Police National Computer (PNC) at 31 August 1998 was 8,608. Of these, 6,262 (73%) had registered; 1,993 (23%) were in custody or were within the 14-day period allowed for registration and 353 (4%)

were apparently committing an offence by failing to register. The figure for offenders in custody is an underestimate. Some forces have flagged with a registration requirement the PNC entries of all long-term offenders who were convicted and imprisoned before the implementation of the Sex Offenders Act on 1 September 1997; others have only flagged entries of those convicted and imprisoned since that date. Therefore, some offenders with a registration requirement who were imprisoned before the Act's implementation and who are still in custody are not included in the total figure.

Figures on sex offence convictions and cautions are published annually in *Criminal Statistics*. However, not all of these offences attract a registration requirement and not all offences for which there is a registration requirement come within the definition of a sexual offence in *Criminal Statistics*. These differences limit the usefulness of the figures in evaluating the impact of sex offender registration. There is no precise estimate for the number of sex offenders in the population who would currently be required to register if the Act had always been in place.

One year after the Act came into force, the national rate of compliance with a requirement to register, which has risen since registration began, was 94.7%. Figures for individual forces ranged between 85.4% and 100%.

Sentences for offenders convicted of failing to comply with registration requirements varied widely, ranging from fines and absolute discharges to periods of custody. There are no published figures on reconviction rates among offenders with a registration requirement; individual force statistics may underestimate the numbers involved.

Only nine forces (21%) used performance indicators relating to sex offender registration. Potential indicators

such as compliance and reconviction rates could be misleading if used in isolation.

Force policies and organisational structures

Responsibilities relating to registration cut across a wide range of police functions. All forces had issued internal guidance and most had also established inter-agency protocols on the management of a wider range of potentially dangerous offenders and on disclosure of information. However, few forces referred to the management of sex offenders in policing plans, crime and disorder audits or crime reduction strategies. This omission was seen as having a significant impact on the status of the work and had consequences for resource allocation.

No single approach to the location of register functions within police forces emerged as clearly preferable. Senior officers saw the key to organisational success as striking a balance between central co-ordination and divisional responsibility. Most forces reckoned that implementation of the Act had resulted in a significant increase in their workload, but only 17 (40%) had provided additional manpower.

Information flow

Ensuring the currency of information on PNC and the triggering of risk assessment depend on the receipt of timely and accurate information about offenders with a registration requirement. There were, however, significant problems relating to the timeliness and quality of information flow from courts, prisons and hospitals.

It was striking that the police described the probation service (which has no ongoing statutory duty to notify them of offenders with registration requirements) as the most reliable source of information. Most forces, however, were unsure about being informed about hospital releases because they had no formal lines of communication. Despite concerns about information flow, examples of good practice in liaising with other agencies were found.

Information management

Forces had no single strategy for recording and sharing information concerning sex offenders. Register information was often grafted onto existing information systems that were in the early stages of being integrated. PNC is the only mechanism for making register information available nationally, but interim arrangements for entering the information onto PNC were perceived as problematic. Many forces relied instead on in-force systems. This fragmentation of sources, combined with a lack of systematic quality control on the data held, were significant impediments

to the usefulness of the register.

Views differed as to whether registration information relating to offenders living within the area should be notified or accessible to all local officers. Some forces felt that general access was vital to obtain the full intelligence benefit while others controlled access because of the sensitivity of the information. Twelve forces (28%) did not routinely inform divisional officers of the local presence of all sex offenders with a registration requirement.

Monitoring sex offenders

To be effective, registration must be a dynamic process in which sex offenders are monitored in the community according to their level of assessed risk. This may include visiting registered offenders. Although the Act confers no right of entry to their homes, almost all offenders co-operated with home visits. Thirty forces (70%) visited all offenders with a requirement to register. A further ten (23%) only visited those assessed as higher risk or who met some other condition. In 31 forces (78% of those conducting visits), frequency depended on the outcome of a risk assessment.

In 25 forces (63%), visits were used to record further details about the offender and his circumstances on a form (usually part of a specially designed risk assessment package) while seven (18%) said it was only to verify the offender's address. Approaches to the conduct of visits could vary at the divisional level within the same force.

Most senior officers viewed the sharing of information with other agencies, particularly the probation service, as beneficial. However, only one force identified itself as having formal links to a community treatment programme for sex offenders.

Almost all forces had a community notification policy but only five had invoked this in respect of a specific sex offender with a registration requirement. Where there was concern about an individual offender, forces were more likely to use general awareness-raising measures within the community, without disclosing individual details.

The utility of sex offender registration information

Forces had responded to their responsibilities under the Act in different ways. Some were doing the minimum compatible with their obligations under the Act, namely maintaining a library of register information, whereas others used registration to develop and act on intelligence packages. However, the level of force activity may have increased since the introduction of the national risk assessment model for sex offenders in April 1999.

Officers attributed much of the failure to make greater use of register intelligence to poor awareness of its potential within the police service and a lack of accountability for the management of sex offender work in general. Although senior officers in 31 forces (72%) reported receiving feedback from divisions about how register information was used in the prevention or detection of crime, only ten (23%) described the feedback as systematic. Only 13 forces (30%) described instances in which monitoring activity triggered by the register was thought to have contributed to crime prevention and only ten (23%) reported using register intelligence in investigations. Again, the use of register intelligence may have increased since the introduction of the national risk assessment model.

Nevertheless, most officers felt that the Act's contribution to policing justified the effort involved. Benefits included improved quality of information and working relationships with other agencies. Perceived problems included deficiencies in the legislation, inadequate resources for monitoring offenders, fears that resources had been diverted away from other categories of higher risk offender, and the creation of unrealistic expectations on the part of the public and other agencies.

Recommendations

On the basis of these findings, a series of recommendations has been drawn up for consideration:

The **Home Office** should consider:

- reviewing the scope of the legislation in light of concerns raised;
- clarifying the status of sex offender monitoring in relation to other policing priorities;
- promoting links between sex offender monitoring by the police and community treatment programmes;
- convening a working group to revise the notice of registration requirement used by courts and prisons and ensure that the urgency of onward transmission to the police of completed forms is clearly stated;
- whether guidance is needed to clarify the circumstances in which a sex offender with a registration requirement can be prosecuted more than once for failure to register;
- whether guidance is needed for those sentencing offenders for failure to register;
- whether failure to register should be an arrestable offence;

- reviewing the definition of a 'sexual offence' used in Criminal Statistics to ensure it includes all offences that attract a registration requirement and publishing figures on numbers of offenders convicted/cautioned for a registrable offence, those convicted for failing to register and the sentences they received;
- discussing with those responsible for the new magistrates' court (LIBRA) and Crown Court (CREDO) computer systems the ability to flag offences attracting a registration requirement and the production of sex offender register notices for specified offences; and
- liaising with the Department of Health to improve communications between hospitals in respect of offenders with a registration requirement.

ACPO should consider:

- liaising with the probation service to develop a group of measures which would assist in measuring the effectiveness of registration and sex offender monitoring;
- assisting forces to develop more systematic training;
- convening a national meeting of officers involved in sex offender monitoring to address issues including risk management, intelligence on sex offenders, the exchange of information about home visit checklists and the contribution of databases to monitoring and crime detection, and the development of relevant training programmes; and
- issuing a list, to be updated periodically, of the contact details for the unit responsible for sex offender registration in each force.

Forces should consider:

- addressing sex offender monitoring in force policing plans and crime prevention strategies; and
- conducting a review of key policing issues arising from the implementation of the Act. The review should address both internal factors and external interfaces with other agencies.

The Prison Service should consider:

- whether notice to the police of release of offenders with registration requirements should be harmonised with more detailed advance notice requirements to social services about Schedule One offenders (people convicted of an offence under Schedule One of the Children and Young Persons Act 1933).

Related PRC Publications

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PRS Paper 94: *Child Abuse: Training Investigating Officers*

PRS Paper 99: *Sex Offending Against Children: Understanding the risk*

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