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**Sex Offender Notification Requirements
Standard Operating Procedure**

This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy, however it is recognised that policing is a dynamic profession and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.

Notice:

This document has been made available through the Police Service of Scotland Freedom of Information Publication Scheme. It should not be utilised as guidance or instruction by any police officer or employee as it may have been redacted due to legal exemptions

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1. Purpose

The purpose of this Standard Operating Procedure (SOP) is to detail the obligations placed on Registered Sex Offenders by the Sexual Offences Act 2003 and the expected policing response to processing Registered Sex Offenders (RSO) attending at Prescribed Police Stations in order to comply with the Sex Offender Notification Requirements (SONR) of Part 2 the Sexual Offences Act 2003.

This SOP is supported by the Offender Management Toolkit which provides practical advice and guidance for officers involved in the management of RSOs and other types of offenders.

2. What is a Registered Sex Offender

Any person who has received a conviction or finding, in respect of a specified sexual offence under Schedule 3 the Sexual Offences Act 2003, is subject to the Sex Offender Notification Requirements (SONR) and referred to as a Registered Sex Offender (RSO). Persons may also become subject of SONR by virtue of certain civil and preventative orders which are deemed necessary to assist in the management of offenders. Full details of Civil/Court Orders can be found at Offender Management Toolkit – Civil and Preventative Orders.

RSOs are required to attend **in person** at a Prescribed Police Station to notify certain personal details, along with any subsequent changes to those details. This is more commonly referred to as Sex Offender Registration.

A RSO is required to comply with SONR for the following purposes:

- Initial Notification
- Notification of any change to previously notified details;
- Periodic (Annual) Notification;
- Notification of Foreign Travel.

Failure to comply with SONR is an offence punishable by imprisonment under Section 91 the Sexual Offences Act 2003, and carries a power of arrest.

Further information can be found at Offender Management Toolkit - Legislation.

3. Requirements placed on a RSO

Initial Notification

RSO must attend a Prescribed Police Station within 3 days of either conviction for the offence which placed them on the register or of being released from custody following this conviction, with date of conviction or release being day 1.

They do not have to make another Initial Notification if, because of another conviction, they are already subject to the SONR.

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They are required to provide the following notifiable information:

- **Name**
Name on date of conviction, notification and any other names used
- **Date of Birth**
- **National Insurance Number**
- **Home Address**
Sole or main residence in the UK or in circumstances where the offender is of no fixed abode (NFA), the location of a place within the UK where they can regularly be found. NFA re-notifications must be completed every seven days.
- **Any Other Address(es)** where the offender regularly stays or resides.
- **Passport Details**
Issuing authority, passport number, dates of issue and expiry and name and date of birth given as being those of the passport holder.
The RSO **must** produce each passport (or equivalent document) held by them if requested to do so by a police officer or other authorised person.
- **Bank Details**
(including personal, joint and business accounts)
Name and address of relevant bank, credit card company or building society, name(s) on account, business name (if a business account), type of account, account numbers and sort codes, type of card, card numbers (16 digit number) and valid from and valid to dates.

4. Notification of Changes to Notifiable Details

RSO must attend a Prescribed Police Station within 72 hours of the occurrence of any of the following;

- Use of any **name**, not previously notified to police;
- Any **change** to home **address**, including whether they have become no fixed abode;
- If not previously notified, **any address** at which they have resided or stayed, anywhere in the UK for a period of **seven days or more** within a 12-month period;
- Any **release from custody or release** from detention in hospital;
- Any **loss** or **ceasing of use** of a **passport** previously notified to Police;
- Receipt of a **new passport**
The RSO **must** produce each Passport (or equivalent document) held by them if requested to do so by a police officer or other authorised person.
- Any **changes** to **financial details** provided at initial notification (for example, the closure of an existing account or the opening of a new one, new bank or credit card issued, etc.)

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With regard to change of name or address, notification can be made before the change occurs, however, in these circumstances the RSO must also specify the date when the change is expected to take place.

If a notified change does not subsequently occur within three days of the date it was intended to, the RSO **must** notify that the change did not take place and must do so **within six days** of the intended date of change previously notified.

5. Periodic (Annual) Notification

RSO must attend a Prescribed Police Station and re-notify all notifiable information within 12 months of their last notification. This is known as their periodic (annual) notification.

If at the time the period notification is due the RSO is outside the UK then they must make the notification within 72 hours of their return to the UK.

6. Notification of Foreign Travel

A RSO intending to travel out with the UK for **any** period of time is required to notify their travel plans at a Prescribed Police Station **at least seven days prior to departure** as per Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004 (as amended). Foreign travel can be notified with less than seven days' notice (but no less than 12 hours before departure), only if the RSO has a reasonable excuse for not complying with the seven day notification requirement.

An RSO is **not prohibited** from travelling overseas.

The RSO must provide the following:

- Name, date of birth and current home address
- Date and place of departure from UK
- Initial country travelling to and arrival point. If travelling to more than one country the intended date and point of arrival for each (where known)
- Dates on which intending to stay in any of the countries visited (where known)
- Details of carrier or carriers being used to travel to and from the UK and between other countries (where known)
- Details of accommodation arrangements in all countries being visited (where known)
- Date of return to the UK and point of arrival (where known)
Notify any changes to previously notified travel at the time of the changes and not less than 12 hours of intended departure, and
- Notify the date returned and point of arrival within a period of 3 days (72 hours) of arrival to the UK if this was not notified prior to departure. This notification must be made even where the offender intends to leave the UK

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within the 3 day period.

7. Police Roles & Responsibilities

Public Counter Staff - General Overview

Officers/Police staff must be mindful of organisational and professional expectations, everyone has the right to be treated with dignity and respect and to be provided with equality of opportunity from their initial point of contact with Police Scotland. Consideration should be given to consulting the Equality, Diversity and Dignity (Police Officers and Authority/Police Staff) SOP, and where necessary the Appropriate Adult SOP for RSOs requiring assistance or support to comply with their SONR, examples may include impaired sight or hearing, language and cultural considerations, etc.

All **Initial, Changes to Notifiable details** and **Periodic Notifications** must be recorded on Sex Offenders Notification – Part 2 of the Sexual Offences Act 2003 Form: 117-012.

All **Foreign Travel Notifications** must be recorded on Foreign Travel Notification by a Registered Sex Offender Form 117-013.

Both notification forms include a detailed copy of the legislative requirements placed on the RSO.

Officers/Police Staff must consider the following when dealing with an RSO attending a Prescribed Police Station to comply with their SONR:

- RSOs attending stations that are not Prescribed should be directed to the nearest Prescribed Police Station with their name, address and contact number being noted and provided to the Divisional Offender Management Unit (OMU).
- All RSOs must be dealt with and **never asked to return when someone is available to deal with them**. By attending for the purposes of notification, the RSO has complied with their obligation under the Act. It is therefore **imperative** the required information is obtained on **every** occasion they attend for the purposes of SONR.
- Complete the form personally, **with corroboration**. **Do not** hand to offender to complete.
- If unable to provide all of the required information, the form should still be completed and RSO instructed to return to re-notify the missing information.
- Check CHS/PNC to ascertain if wanted/missing or subject of Sexual Offences Prevention Order (SOPO).
- Offer the RSO the opportunity to sign the notification form. There is no legal obligation for them to sign. Failure to sign is not an offence and does not invalidate the form.

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- The RSO **must** be offered a copy of the completed form and legislative requirements **on every occasion**.
- **Both** notification forms contain mandatory and non-mandatory information. The RSO should be informed they are not legally required to provide the non-mandatory information and failure to provide it is not an offence. Non-mandatory should always be asked for and all responses noted including refusals.
- All completed notification forms must be passed to the divisional OMU at the earliest opportunity (via email / phone call etc.) **before sending the original via internal mail**.
- Officers/Police Staff may be required to attend court and give evidence in any subsequent breach of SONR proceedings.

Public Counter Staff - Initial, Changes to Notifiable details and Periodic Notifications

In addition to the general overview, the following should be considered in respect of Initial Notifications, Changes to Notifiable details and Periodic Notifications:

- The paragraph within the Monitoring section of Sex Offenders Notification – Part 2 of the Sexual Offences Act 2003 Form 117-012 **must** be read to the RSO **on every occasion** and form signed accordingly by Officers/Police staff. The following should be considered:

On occasion it may not be appropriate to read the statement/complete the notification process due to privacy issues, if so efforts should be made to complete it somewhere more suitable.

- If there is a valid reason for the statement not being read out this must be documented on the form within the Other Relevant Information section and highlighted to the relevant OMU. If this occurs inform the RSO they need to read the monitoring statement themselves at the time and offer them a copy of the form. (Noting the reason on the form).
- Section 87(5A) of the Sexual Offences Act 2003 provides that a RSO when attending a Prescribed Police Station for the purposes of an Initial, Change of Notifiable Details or Periodic Notification **must**, if requested to do so by an Officer/Police Staff, allow the Officer/Police Staff to take the following:
 - Fingerprints
 - Photograph & photograph any part of RSO (i.e. scars, tattoos)
 - DNA
- Review CHS/PNC and obtain DNA, if DNAC is not recorded and take fingerprints and photograph if not previously obtained. Should trained officers/facilities be unavailable to complete these tasks, OMU should be informed. If OMU are off duty inform them at the earliest opportunity and detail on the notification form that fingerprints and photographs were not taken

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- Verify the identity of the RSO by viewing the image held on CHS or Scottish Intelligence Database (SID). If the image cannot be compared, is so old or where there is any doubt regarding identity, the RSO **must** be fingerprinted and photographed. All RSOs **must** be photographed a minimum of every 12 months or if their appearance changes.
- Inform RSO before they leave the station they **must** re-notify their details annually, within 12 months of initial notification or 12 months from the last time they notified.

Public Counter Staff – Foreign Travel Notifications

In addition to the general overview, the following should be considered in respect of Foreign Travel Notifications:

- Complete Form 117-013 Foreign Travel Notification by a Registered Sex Offender Form. An RSO is **not prohibited** from travelling overseas.
- Verify identity by comparing image held on CHS or SID or with any documentation provided by the RSO.
- Section 2 of the form asks for additional information, RSOs are not legally obliged to provide it but **must** be asked for it:
 - Purpose of visit
 - Are they subject to any licence conditions or order that prevents them from leaving the UK or visiting a particular country?
 - Mode of transport to departure point
 - Booking reference number/flight number/agent
 - Name of travelling companion(s)
- RSOs cannot be prevented from travelling simply because they are unable to provide the information required. However, they are in breach of requirements if they hold the relevant information and fail, without reasonable cause, to disclose it.
- Notification of foreign travel has no impact on the RSOs Periodic Notification date.

Custody Suite Staff

Any Officer/Police Staff trained in the taking of physical samples can take fingerprints and photographs from a RSO as part of their Initial, Change to Notifiable Details or Periodic Notification.

Fingerprints can be obtained either through Livescan or paper. Livescan prints can be stored in the usual manner, having first identified the RSO by adding Registered Sex Offender Notification to the charge section of the Livescan input, **prior** to taking the prints. If available, include the Crime Reference Number for the RSO's index offence.

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Paper fingerprint forms should also detail that they have been obtained for the purpose of Sex Offender Notification Requirements by adding similar wording and relevant Crime Reference Number and should be forwarded to:

Forensic Services
SPA – Fingerprints
Scottish Crime Campus
Craignethan Drive
Gartcosh
G69 8AE

Offender Management Unit (OMU) Officers

OMU officers must consider the following in respect of RSOs and SONR:

SONR

- Can complete RSO notifications at Prescribed Police Stations.
- Upon receipt, quality check completed notification forms and forward a copy via e-mail to the allocated 'ViSOR Support Officer' and local CHS/PNC record keeper. Any identified issues should be highlighted locally and addressed.
- Ensure all notifications and associated information are recorded on ViSOR.
- Ensure **all** completed notification forms are stored securely, as they may be required as a production should a breach of notification requirements be identified.
- Ensure any issues with Prescribed Police Stations are reported to the National Offender Management Unit.

Notification Information Leaflets

- Provide every RSO with an Information for Persons Subject to the Notification Requirements of the Sexual Offences Act 2003 leaflet and explain the contents to them. This is a user-friendly guide to assist understanding of the SONR but **is not a legal document**. It is the RSOs responsibility to comply with the requirements of the Sexual Offences Act 2003. The leaflet does not provide comprehensive information regarding legal requirements in terms of the Sexual Offences Act 2003.
- Consideration must be given to the individual needs of the RSO when executing this process. Considerations should be given to consulting the Equality, Diversity and Dignity (Police Officers and Authority/Police Staff) SOP. Although out with the Criminal Justice Process and Appropriate Adult Scheme, officers should consider another appropriate person such as Social Worker, health professional, care staff etc. for offenders where it is deemed necessary or have a translator present when issuing the leaflet to those RSOs who do not speak English.
- An Execution of Service Form must be completed to verify the RSO was issued with the leaflet. The RSO should be asked to sign this but is under no legal obligation to do so. Failure to sign does not invalidate it and is not an

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offence. The completed form must be retained within the RSOs hard copy file and an **Activity Log** raised on **ViSOR** as follows:

Activity Type – Information

Headline Comment – Notification Information Leaflet – Execution of Service

Record the date and time of service along with the details of the officers serving it and any other pertinent information.

DNA & Fingerprints - Resampling of RSOs

Section 19AA of the Criminal Procedure (Scotland) Act 1995 provides that when a RSO has complied with the SONR process and it is later discovered certain physical data (fingerprints, palm prints, other external body prints, and DNA) have been lost, destroyed or insufficient for analysis then the RSO can be instructed to attend a Police Station for the purpose of obtaining the required sample.

OMU officers must complete a Registered Sex Offender – Physical Data Notification Form and serve it personally on the RSO, giving them at least 7 days notice of the time, date and place where the sample will be obtained. Failure to comply with this request is an offence and they can be arrested without warrant.

ViSOR Support Officers (VSOs)

On receipt of notification forms, VSOs undertake quality and compliance tasks as detailed within the Guidance for Visor Support Officers.

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Compliance Record

Equality and Human Rights Impact Assessment (EqHRIA): Date Completed / Reviewed:	08/12/2020
Information Management Compliant:	Yes
Health and Safety Compliant:	Yes
Publication Scheme Compliant:	Yes

Version Control Table

Version	History of Amendments	Approval Date
1.00	Initial Approved Version	30/03/2015
2.00	Amendment to add Notification Information Leaflets (Information for Persons Subject to the Notification Requirements of the Sexual Offences Act 2003) and 117 – 026 Execution of Service Form to the OMU notification process.	11/11/2015
3.00	Amendment of Appendix E – E and J Divisions for Sex Offender Notification Requirements; Amendment of Sec 14.5 & 14.6 relating to the translation of Notification Information Leaflets (information for Persons Subject to the Notification Requirements of the Sexual Offences Act 2003); Complete review of SOP and associated Forms Introduction of Forms 117-035 and 117-035A – SONR Physical Data Notification Forms	19/06/2017
4.00	Changes to Section 8.1 and Section 6, 6.13 & 6.14. Removal of Registered Sex Offender – Physical Data Notification Form (ViSOR friendly) (117-035A) from Appendix C. Also updated to reflect changes in data protection legislation.	25/05/2018
5.00	Content fully revised and rationalised in line with new SOP review principles.	08/12/2020

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