

Our Ref: IM-FOI-2022-1884
 Date: 30th September 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

- 1. How many sex offenders did your force have registered living in the force area in each of the past three financial years? Please break down these data by policing division if you are able to. If not, please provide force-wide data.**

Any person who has received a conviction or finding in respect of a specified sexual offence is subject to Sex Offender Notification Requirements (SONR) and referred to as a Registered Sex offender (RSO).

The below information has been taken from ViSOR Monthly Reports from 2020-2022.

<u>1 April 2020</u>												
RSO's at liberty: 4440												
RSO's in Custody: 1477												
Restricted Patients with RSO Status: (excl. from divisional totals): 47												
RSO's Inactive: 233*												
Total: 6197												
Divisions												
A	C	D	E	G	J	K	L	N	P	Q	U	V
600	315	573	539	1012	491	219	191	310	489	708	516	187

<u>1 April 2021</u>												
RSO's at liberty: 4358												
RSO's in Custody: 1427												
Restricted Patients with RSO Status: (excl. from divisional totals): 45												
RSO's Inactive: 240*												
Total: 6070												
Divisions												
A	C	D	E	G	J	K	L	N	P	Q	U	V
601	312	532	514	1002	481	216	200	303	489	698	486	191

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1 April 2022 RSO's at liberty: 4510 RSO's in SPS Custody: 1554 Restricted Patients with RSO Status: (excl. from divisional totals): 50 RSO's Inactive: 240* Total: 6354												
Divisions												
A	C	D	E	G	J	K	L	N	P	Q	U	V
622	331	545	554	1011	501	246	205	329	526	731	500	203

**Offenders who have lawfully moved abroad or been deported but remain recorded on ViSOR until expiration of SONR*

2. **Of those sex offenders who were required to notify the police force of all foreign travel and their return to the UK, how many did inform your force of all foreign travel and their return to the UK and how many also failed to do so, in each of the past three financial years? Please break down these data by policing division if you are able to. If not, please provide force-wide data.**

The below table provides the number of RSOs who notified Police Scotland of foreign travel:

Financial Year	Total
2019/20	665
2020/21	128
2021/22	282

RSO's are required to attend in person at a Prescribed Police Station to notify certain personal details, along with subsequent changes to these details (full information available online). This includes a notification of foreign travel.

Failure to comply with SONR is an offence punishable by imprisonment under Section 91, Sexual Offences Act 2003.

Police Scotland record all SONR offences, however these are not sub-categorised by type of breach.

As such we cannot determine which of these relate specifically to foreign travel without conducting an individual examination of each crime report - an exercise I estimate would cost in excess of the £600 cost limit.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

3. How many sex offenders has your force recorded as having failed to return to the UK in each of the past three financial years? Please break down these data by policing division if you are able to. If not, please provide force-wide data.

Financial Year	Total	Division Breakdown
2019/20	3	A Div – 1 D Div – 1 Q Div – 1
2020/21	1	Q Div – 1
2021/22	3	E Div – 1 G Div – 1 N Div – 1

4. How many sex offenders have notified the force when they were living in a household with a child under the age of 18 and how many failed to do so, in each of the past three financial years? Please break down these data by policing division if you are able to. If not, please provide force-wide data.

Sex Offender Notification Requirements in Scotland do not require an offender to notify Police that they are living in a household with a child under the age of 18.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

5. How many sex offenders have made a notification to your force that they have changed their identity through name change in each of the past three financial years and how many did the force discover retrospectively had changed their identity through name change without first informing the force in each of the past three financial years? Please break down these data by policing division if you are able to. If not, please provide force-wide data.

Please be advised that “changed their identity” is not a searchable format for ViSOR.

However, the table below provides the number of RSOs who have provided notification of a change of name:

Financial Year	Total
2019/20	161
2020/21	162
2021/22	194

It should be noted that this does not mean that each notification means an offender is changing their identity. For example, newly convicted RSO notifies of conviction under the name “James John Smith”, later opens a bank account with name on card “James Smith”: notification of change of name recorded. They join a gym under the name commonly used “Jim Smith”: notification of change of name recorded.

In this example, there are two notifications but there is no attempt to change identity.

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The only way to establish who has made a name change which would effectively change their identity, e.g. John Smith becomes Robert Brown, would be to carry out an individual physical examination of each of the 517 records showing a change of name notification.

If estimating as little as 5 minutes per record examination, this alone would take in excess of 40 hours and as such, would cost in excess of the £600 cost limit set out in the Fees Regulations.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

RSOs are required to attend in person at a Prescribed Police Station to notify certain personal details, along with subsequent changes to these details. This includes a notification of name/change of name.

Failure to comply with SONR is an offence punishable by imprisonment under Section 91, Sexual Offences Act 2003.

Police Scotland record all SONR offences, however these are not sub-categorised by type of breach.

As such we cannot determine which of these relate specifically to name changes without conducting an individual examination of each crime report - an exercise I estimate would cost in excess of the £600 cost limit.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

6. How many offences have been committed by sex offenders within your police force area of failure to comply with the notification requirement in each of the past three financial years? Please break down these data by policing division if you are able to. If not, please provide force-wide data.

From Scottish Government MAPPA Overview reports, I can provide that the number of RSO's reported for breach of SONR over the requested 3 year period was:

Financial Year	Total
2019/20	344
2020/21	282
2021/22	374

7. How many registered sex offenders failed to make annual contact with police stations within your police force area in each of the past three financial years (please provide the number of sex offenders failing to make annual contact and the number of failures for each financial year)? Please break down these data by policing division if you are able to. If not, please provide force-wide data.

In response to this question, I must first of all advise you that SONR does not require a person to “make annual contact” however it is assumed that you are referring to the periodic notification requirements, which include an annual registration.

Failure to comply with periodic notification is an offence punishable by imprisonment under Section 91, Sexual Offences Act 2003.

Police Scotland record all SONR offences, however these are not sub-categorised by type of breach.

As such we cannot determine which of these relate specifically to periodic notification without conducting an individual examination of each crime report - an exercise I estimate would cost in excess of the £600 cost limit.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

8. How long does it take for a registered sex offender to be classed as “missing” from your police force area? Please break down these data by policing division if you are able to. If not, please provide force-wide data.

Police Scotland do not specify a period of time required to identify any person as missing. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

A missing person, including RSO's is defined as:

Anyone whose whereabouts is unknown and

- Where the circumstances are out of character or
- The context suggests the person may be subject to crime or
- The person is at risk of harm to themselves or another

Police Scotland treats all missing Registered Sex Offenders with the utmost seriousness and will carry out all possible enquiries to trace their whereabouts to re-establish the management required to protect the public. On all occasions a Senior Investigating Officer (SIO) of a rank of no less than Inspector will be appointed to lead these investigations.

9. How many registered sex offenders went missing from your police force area in each of the past three financial years? Please break down these data by policing division if you are able to. If not, please provide force-wide data.

Division	2019/20	2020/21	2021/22
A	1	2	-
C	-	-	-
D	1	2	-
E	-	3	-
G	1	1	4
J	-	-	-
K	-	1	2
L	-	-	1
N	-	-	1
P	-	2	2
Q	-	1	1
U	2	2	3
V	-	-	2
Total	5	14	16

Should you require any further assistance please contact Information Management Dundee, quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.