The Public Protection Arrangements in Northern Ireland

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Summary: New Public Protection Arrangements were implemented in Northern Ireland on 6 October 2008. These Arrangements, which replace the previous Multi-Agency Sex offender Risk Assessment and Management arrangements (MASRAM), aim to protect the public from the risks of serious harm that are presented by sex offenders and violent offenders. This paper seeks to provide the history to the development of the Arrangements, to explain their aims and objectives and to provide some explanation of how they operate in practice.

Keywords: Public Protection, Sex Offending, Multi-agency, Risk Assessment, Risk Management.

Introduction

The development of public policy is often driven by tragedy, controversy and fear. The Government response to the increasing public demand for protection across all of the United Kingdom has been fuelled by such controversies and fear and by widespread criticism of statutory agencies, including the Probation Service, following what is often perceived as their failure to provide adequate protection. The issue of sexual offending has, since the late 1970s, become one of the major criminal and social issues not only in Ireland North and South, but across most of the western world (West, 1996).

The Northern Ireland Historical Context

Northern Ireland has had its share of high-profile ‘sex crime’ cases. At the time of the emergence of this new public issue Northern Ireland was

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caught up in the conflict that is widely described as ‘the Troubles’, on which much of the local and national media reporting concentrated. The Royal Ulster Constabulary, the police service in Northern Ireland at that time, was the primary agency responsible for law enforcement and security, and was heavily committed to dealing with major conflict and social disorder. However, sexual offending and sexual offenders, particularly offending against children, became issues of significant media attention (Greer, 2003) in 1979 due to alleged sexual abuse at a children’s home in Belfast. Reporting of the ‘Kincora’ case brought increased public awareness of sexual crime and drew attention to the fact that persons who had been convicted of sexual offences were living and working back in the community (Moore, 1996). Pandora’s Box was open, as it were, and the risk to society from sexual offending became a growing public concern. Although not really new for the Northern Ireland agencies, the issue was one to which the police along with the other statutory agencies needed to respond effectively.

There followed a number of high-profile sexual abuse scandals in the 1980s and the 1990s, all of which exacerbated public concern. The case that attracted most public attention was that involving a Catholic priest, Father Brendan Smyth (Moore, 1995). In order to address the growing concerns, the Northern Ireland Office – in conjunction with what was then the Irish Branch of the National Organisation for the Treatment of Abusers (NOTA), now NOTA Northern Ireland – held a two-day multi-agency conference entitled ‘No Hiding Place’ in 1997 with the objective of starting the process of developing multi-agency arrangements that would address at least some of the public concerns. The conference not only identified the work that needed to be done but also the agencies that would carry it out. The Probation Board for Northern Ireland was identified as one of the lead agencies.

Addressing the problem

Professionals representing Probation, police, prisons and social services began the work of creating a set of procedures aimed at addressing the issues relating specifically to those who presented a risk to the public through their propensity to commit sexual offences. New multi-agency arrangements were introduced in pilot form in September 2001 and formally launched in May 2002. The operational delivery of the new Multi-Agency Sex Offender Risk Assessment and Risk Management
(MASRAM) arrangements was to be overseen by high-level representatives from each of the agencies. This new Northern Ireland Sex Offender Strategic Management Committee was made up of representatives from Probation, police, prisons, social services and housing, with representation from the NSPCC and the Nexus Institute.

From the outset it was clear that most, if not all, public opinion about sex offenders in Northern Ireland was based on what can only be described as stereotypical images. All the agency representatives shared concern that public perceptions were seldom based on fact. It seemed that most people, even professionals within the criminal justice agencies, viewed all those who had sexual offence convictions as dangerous predators. Few made any distinction between those whose offending had been committed in domestic and family circumstances (the majority) and those whose victims had been strangers.

Research evidence had already shown that these misguided perceptions could in fact increase risk rather than assisting in the reduction of risk or the prevention of the serious harm caused by sexual offending (Kitzinger, 1999). As the CARE Co-ordinator (Lead Officer for Child Protection) in 2002, the author made the following observation to journalists: “Most people think that a sex offender is going to jump out and grab the first child that walks past their gate. They don’t know about the grooming process, the process where sex offenders work on parents and groom parents as well as the child.” Olwyn Lyner, Chief Executive of the Northern Ireland Association for the Care and Resettlement of Offenders, and Oliver Brannigan, the former Director of the Probation Board for Northern Ireland, had made similar observations on numerous occasions. It was as a result of this that MASRAM sought to deliver protection against reoffending while at the same time making an effort to dispel these stereotypes.

Agreed principles

MASRAM was founded on two principles: first, the development of better understanding of sexual offending using the range of statistical information available, and second, requirement for practice that had a sound evidential basis. These principles were adopted and incorporated into the four core functions of MASRAM:

1. the identification of those who presented a risk of serious harm to the public
2. the sharing of information to enable assessment of risk
3. multi-agency assessment of the risk of serious harm
4. management of identified risks.

Government had implemented a range of legislative tools to help address the problem. These measures included sex offender ‘registration’, court-granted restraining and prohibitive orders and restrictions on working with children and vulnerable people (Cobley, 2003).

Hazel Kemshall defines the desirable outcome of multi-agency interventions as:

effective risk management. However this should not be understood as a “zero risk” as this position can never be achieved … Risk management should be understood as harm reduction either through the reduction of the likelihood of a risk occurring or the reduction of its impact should it occur. (Kemshall, 2003)

As the Arrangements were rolled out it quickly became apparent that the problem of serious sexual offending would continue to have an impact, both in Northern Ireland and in the rest of the United Kingdom. In August 2000 public attention was drawn to the abduction and murder of Jessica Chapman and Holly Wells in Soham, England, and in December 2003 a young man who had been convicted of a number of serious sexual assaults and who had recently been released from prison abducted and murdered 65-year-old Attracta Harron in Strabane, Northern Ireland.

**The Criminal Justice Inspection (NI) 2005**

The Northern Ireland Minister for Justice commissioned the Criminal Justice Inspection Northern Ireland (CJINI) to conduct a thematic inspection of MASRAM and to identify what, if anything could be done to ensure it could meet the challenge. The inspection was carried out and a report was issued in 2005 (Chivers, 2005). The inspection had three main aims:

1. to examine the effectiveness of Northern Ireland’s inter-agency offender management procedure (known as MASRAM)
2. to compare MASRAM with the Multi-agency Public Protection Arrangements (MAPPA) that apply in England and Wales
3. to consider the potential for placing MASRAM on a statutory footing and for extending it to incorporate violent offenders.
The inspection team found many positive features in MASRAM, such as the following.

1. The agencies attach high priority to their sex offender work, despite it being a small proportion of caseloads. Public protection is unambiguously identified as the central purpose.
2. All the agencies work hard at MASRAM, and they work well together. Both the PSNI and the Probation Service have dedicated MASRAM staff, who are highly skilled and motivated.
3. Inspectors saw some excellent examples of collaborative working, especially with high-risk offenders in crisis situations.

They made a number of recommendations for improvement, the key ones being as follows.

1. MASRAM should be placed on a statutory footing. The Criminal Justice Act 2003 and the English MAPPA guidance should be used as a basis for this. (Para 2.17)
2. The remit of MASRAM should extend to include violent offenders. This will require clear criteria, and a supervised parole system should be introduced to fulfil this purpose. (Paras 2.5; 3.19)
3. To create more capacity the MASRAM agencies should manage cases at the lowest possible level consistent with providing a defensible risk-management plan. (Para 1.13)
4. The agencies should establish a co-located Public Protection Team, drawing on best practice elsewhere. (Paras 3.20-3.22)

Kit Chivers, Chief Inspector of Criminal Justice in Northern Ireland, commented:

In carrying out this inspection, we were conscious of the level of public concern about the risk that sex offenders pose. Apart from England and Wales, Northern Ireland is the only country to have such sophisticated inter-agency arrangements for protecting the public. The report recognises the excellent work being done, but identifies a range of areas for future development. I hope it will be of value in informing and reassuring the public, and helpful to the managers and staff who are involved in this challenging area of work.
Implementation

Both Government and the agencies agreed with the recommendations, and in May 2008 the Criminal Justice (Northern Ireland) Order 2008 placed a requirement on the agencies to deliver the new Public Protection Arrangements in Northern Ireland as set out in statutory guidance. The new Arrangements were implemented on a three-year roll-out basis on 6 October 2008.

The stated primary purpose of the Arrangements was to help protect the public, particularly children and vulnerable persons, from serious harm by reducing known sexual and violent offenders’ opportunity and where possible their inclination to reoffend. From the date of implementation the Arrangements applied to persons convicted or in the process of being reported for prosecution for sexual offences and violent offences against children and vulnerable adults. On 1 April 2010 they were extended to those convicted or in the process of being reported for prosecution for violent offences in domestic circumstances; they will be further extended to persons convicted or being reported for prosecution for violent offences involving ‘hate’ in April 2011.

Risk assessment

In practice when a person fitting a strict criterion is charged or reported for prosecution by the police, when a relevant offender is convicted, or when a person previously convicted and about whom clear concerns have arisen is brought to the attention of the police PPANI Administration Unit, they will carry out a static/actuarial risk assessment of reoffending using an instrument known as the Risk Matrix 2000 (Thornton, 2007). Offenders will then be identified as: Level 1 (Low), Level 2 (Medium) and Level 3 (High) risk.

Level 1 is defined as “Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present little evidence that they will cause serious harm through carrying out a contact sexual or violent offence.”

Level 2 is defined as: “Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present clear and identifiable evidence that they could cause serious harm through carrying out a contact sexual or violent offence.”
Level 3 is defined as: “Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present compelling evidence that they are highly likely to cause serious harm through carrying out a contact sexual or violent offence.”

The case will be referred to what has been entitled a Local Area Public Protection Panel (LAPPP). The panel is chaired by an experienced manager from the Probation Board. Each representative is expected to bring whatever relevant information their respective agency has about the individual to the meeting and under a strict confidentiality agreement share that information for the purpose of assessing the risk.

The panel will then carry out a full dynamic risk assessment using the information input from all the relevant agencies. This process, which is evidence-based, will identify those offenders whose risk of causing serious harm to the public requires multi-agency management of risk (Grubin, 2004). The risk assessment should also identify exactly what factors need to be addressed to reduce or manage the risks. This then enables the meeting to develop specific, targeted risk management plans. The Local Area Public Protection Panels focus on managing the highest risks.

The majority of cases will not involve persons who present compelling evidence of a high likelihood or clear evidence of a likelihood of their causing serious harm to the public. Cases where the risks posed by the offender can be managed by one agency without actively or significantly involving other agencies will be referred for single-agency risk management.

Risk management

A Multi-agency Risk Management Plan will be developed for all those who, through the evidence available, are assessed as presenting a real risk of causing serious harm to the public, and a Designated Risk Manager will be appointed to oversee the delivery of the management plan. The risk management plan will include visits from the Risk Manager, visits from police and a number of other actions deemed relevant. The case will be subject to regular scheduled reviews by the LAPPP, which will also give consideration to the issue of disclosure. The aim of this risk-management structure is to make it easier to deploy and manage resources in the most efficient and effective way. The level at which a case is managed depends on the nature of the risk and how it can be managed.
Sharing information between organisations is of critical importance for public protection arrangements to be effective. Agencies must accept responsibility for the information that they share and be accountable for how responsibly they use information shared with them. Agencies are expected to act in accordance with an Information Sharing Protocol which has been designed to adhere to the provisions of the Data Protection Act 1998. In a nutshell, the sharing of information must have lawful authority, be necessary, be proportionate and occur in a way that ensures the safety and security of the information shared.

The Public Protection Arrangements aim to ensure that relevant information is available in good time to help those making risk assessments and drawing up risk management plans. The protection of the public depends on the effectiveness of those plans. The plans are in turn dependent on the quality of the risk identification and the assessment process. They and the quality of both the risk assessment and risk management plan are heavily determined by the effectiveness of information-sharing arrangements. Police and Probation have since December 2008 formed a co-located public protection team. The team consists of experienced staff from both police and probation and takes responsibility for those who are assessed as presenting the greatest risk of causing serious harm. Plans are in place to increase the staff in the PPT with a professional from social services being seconded.

The Criminal Justice Inspectorate will carry out a further review of the Arrangements later this year.

**Addressing the Wider Problem**

What has become abundantly clear through both the development and the operational delivery of the Public Protection Arrangements is that police, Probation, prisons and social services or indeed the whole of the Criminal Justice System *alone* cannot provide the solution to the problem of sexual offending within our society. This has led to the bigger question being asked in Northern Ireland, “How do the government and the statutory agencies then plan to address this area of crime?”

The response to this has been the launch of an interdepartmental strategy, ‘Tackling Sexual Violence and Abuse Strategy (July 2008)’. The new Public Protection Arrangements form part of that strategy, through seeking to assess and put in place plans to manage the risk of serious harm that identified criteria of people pose to the public.
Among the many false perceptions about sexual offending and sexual offenders is the belief that all such persons pose a high risk of reoffending and that long term removal from society is the only solution. In fact recidivism among sex offenders generally has been estimated to be in the region of 15%, and in Northern Ireland as low as 7% or 8%. It is clear that from a public protection perspective what is needed is a system or a process that will help identify those who pose the real risk of committing further offences and thereby causing serious harm, while at the same time providing the public with education on what steps can be taken to prevent sexual offending. The agencies in Northern Ireland are convinced that the new Public Protection Arrangements can provide that process.

References
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