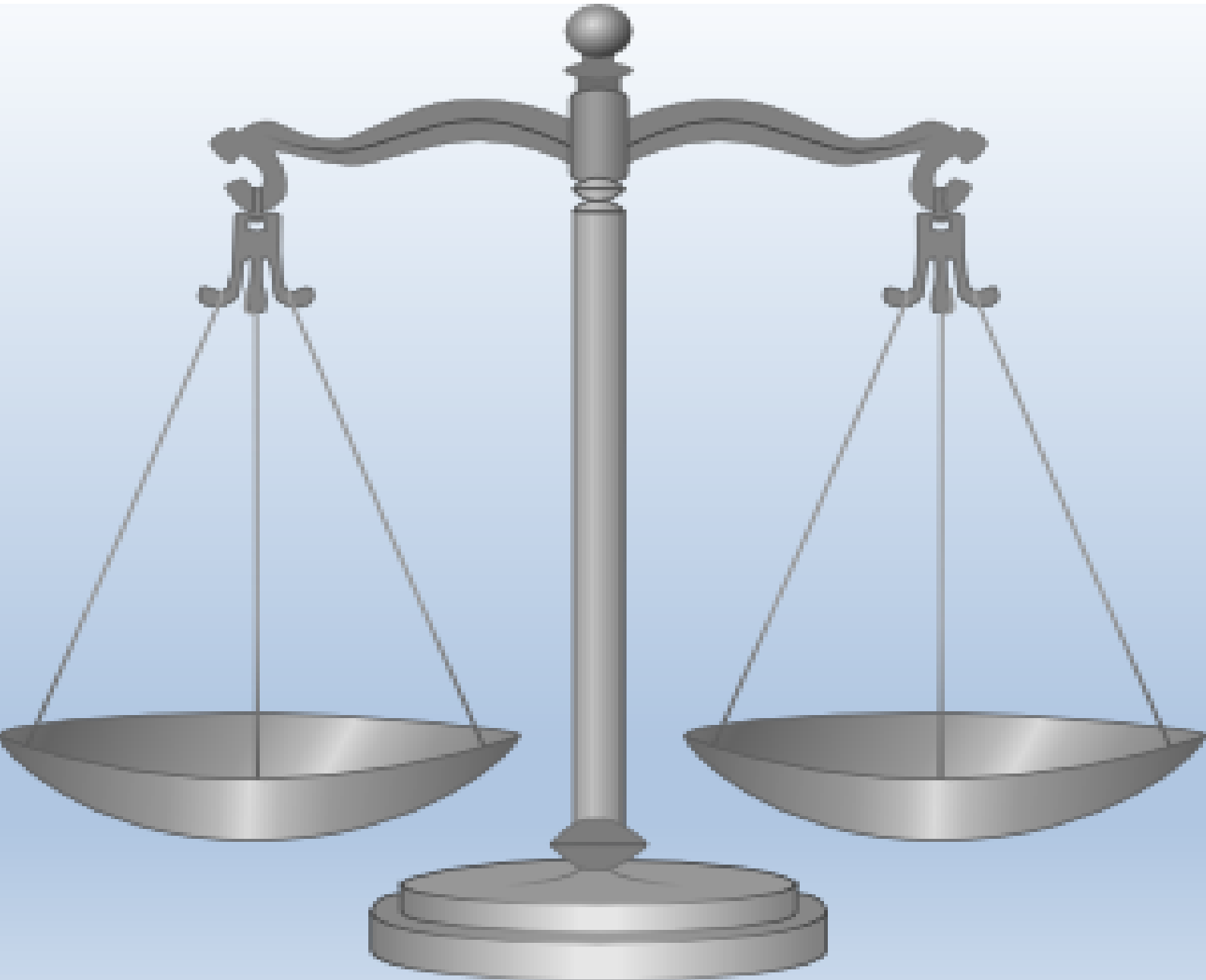




# DYFED - POWYS



Annual Report 2017/2018



# Introduction

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## Amy Rees, Executive Director, HM Prison and Probation Service in Wales

HMPPS in Wales works to ensure our communities are safer, offenders are supported and victims are prevented. We aim to provide a continuous path to reform working in partnership with criminal and social justice services in Wales to create a seamless system for rehabilitation of offenders and increasing public safety in communities. The work undertaken through MAPPA is of critical importance to achieving this. As such, HMPPS in Wales is dedicated to working in partnership with MAPPA agencies to protect the public from becoming victims of serious harm in our local communities.

We recognise that by working collaboratively with agencies under MAPPA to manage risk is the only effective way to protect victims and prevent future victims. MAPPA allows us to gather the necessary intelligence, expertise and valuable contributions of partner agencies within a legal framework to help inform our understanding of the possible risk posed by offenders released into the community and how that risk will be managed in order to protect the public.

HMPPS in Wales and all of the agencies involved in MAPPA place the protection of the public as their highest priority and this report reflects the determination and valued commitment of all agencies signed up to MAPPA, dedicated to protecting the public, while promoting safer communities in Wales.

## Mark Collins, Chief Constable, Dyfed Powys Police

The Executive Director Amy Rees and Chief Constable Mark Collins are pleased to present the Multi Agency Public Protection Arrangements (MAPPA) report for 2017-2018.

The MAPPA process provides a legal framework for agencies to work collaboratively with the objective of protecting our communities from those offenders who pose the greatest risk.

In Dyfed Powys we recognise partnership working is essential to manage offenders in the community. MAPPA allows us to share information and expertise which leads to a more informed risk assessment process. This in turn leads to the formulation of relevant and appropriate risk management plans.

The details of this report reflect the ongoing commitment from all agencies signed up to MAPPA who are focused on protecting the public, whilst promoting safer communities in the Dyfed Powys Police area.

We commend our report to you.

# What is MAPPA?

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## MAPPA background

MAPPA (Multi-Agency Public Protection Arrangements) are a set of arrangements to manage the risk posed by the most serious sexual and violent offenders (MAPPA-eligible offenders) under the provisions of sections 325 to 327B of the Criminal Justice Act 2003.

They bring together the Police, Probation and Prison Services in each of the 42 Areas in England and Wales into what is known as the MAPPA Responsible Authority.

A number of other agencies are under a Duty to Co-operate (DTC) with the Responsible Authority. These include Social Services, Health Services, Youth Offending Teams, Jobcentre Plus and Local Housing and Education Authorities.

The Responsible Authority is required to appoint two Lay Advisers to sit on each MAPPA area Strategic Management Board (SMB) alongside senior representatives from each of the Responsible Authority and DTC agencies.

Lay Advisers are members of the public appointed by the Minister with no links to the business of managing MAPPA offenders who act as independent, yet informed, observers; able to pose questions which the professionals closely involved in the work might not think of asking. They also bring to the SMB their understanding and perspective of the local community (where they must reside and have strong links).

## How MAPPA works

MAPPA-eligible offenders are identified and information about them is shared between agencies to inform the risk assessments and risk management plans of those managing or supervising them.

That is as far as MAPPA extend in the majority of cases, but some cases require structured multi-agency management. In such cases there will be regular

MAPPA meetings attended by relevant agency practitioners.

There are 3 categories of MAPPA-eligible offender:

- **Category 1** - registered sexual offenders;
- **Category 2** – mainly violent offenders sentenced to 12 months or more imprisonment or a hospital order; and
- **Category 3** – offenders who do not qualify under categories 1 or 2 but who currently pose a risk of serious harm.

There are three levels of management to ensure that resources are focused where they are most needed; generally those involving the higher risks of serious harm.

- **Level 1** involves ordinary agency management (i.e. managed by the lead agency with no formal MAPPA meetings);
- **Level 2** is where the active involvement of more than one agency is required to manage the offender.
- **Level 3** is where risk management plans require the attendance and commitment of resources at a senior level.

MAPPA are supported by ViSOR. This is a national IT system to assist in the management of offenders who pose a serious risk of harm to the public. The use of ViSOR increases the ability to share intelligence across organisations and enable the safe transfer of key information when high risk offenders move, enhancing public protection measures. ViSOR allows staff from the Police, Probation and Prison Services to work on the same IT system for the first time, improving the quality and timeliness of risk assessments and interventions to prevent offending.

All MAPPA reports from England and Wales are published online at: [www.gov.uk](http://www.gov.uk)

# MAPPA Statistics

<b>MAPPA-eligible offenders on 31 March 2018</b>				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	484	107	-	591
Level 2	4	6	6	16
Level 3	3	1	0	4
Total	491	114	6	611

<b>MAPPA-eligible offenders in Levels 2 and 3 by category (yearly total)</b>				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 2	18	10	12	40
Level 3	9	3	0	12
Total	27	13	12	52

<b>RSOs cautioned or convicted for breach of notification requirements</b>	18
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<b>RSOs who have had their life time notification revoked on application</b>	0
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<b>Restrictive orders for Category 1 offenders</b>	
<b>SHPOs, SHPOs with foreign travel restriction &amp; NOs imposed by the courts</b>	
SHPO	62
SHPO with foreign travel restriction	0
NOs	4

<b>Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)</b>	0
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<b>Level 2 and 3 offenders returned to custody</b>				
	<b>Category 1: Registered sex offenders</b>	<b>Category 2: Violent offenders</b>	<b>Category 3: Other dangerous offenders</b>	<b>Total</b>
<b>Breach of licence</b>				
Level 2	1	5	2	8
Level 3	3	0	0	3
Total	4	5	2	11
<b>Breach of SOPO</b>				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

<b>Total number of Registered Sexual Offenders per 100,000 population</b>	106
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This figure has been calculated using the Mid-2017 Population Estimates: Single year of age and sex for Police Areas in England and Wales; estimated resident population, published by the Office for National Statistics, excluding those aged less than ten years of age.

# Explanation commentary on statistical tables

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## MAPPA background

The totals of MAPPA-eligible offenders, broken down by category, reflect the picture on 31 March 2018 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2017 to 31 March 2018.

**(a) MAPPA-eligible offenders** – there are a number of offenders defined in law as eligible for MAPPA management, because they have committed specified sexual and violent offences or they currently pose a risk of serious harm, although the majority are actually managed under ordinary agency (Level 1) arrangements rather than via MAPPA meetings. These figures only include those MAPPA eligible offenders living in the community. They do not include those in prison or detained under the Mental Health Act.

**(b) Registered Sexual Offenders (RSOs)** – those who are required to notify the police of their name, address and other personal details and to notify of any subsequent changes (this is known as the “notification requirement.”) Failure to comply with the notification requirement is a criminal offence that carries a maximum penalty of 5 years imprisonment.

**(c) Violent Offenders** – this category includes violent offenders sentenced to imprisonment or detention for 12 months or more, or detained under a hospital order. It also includes a small number of sexual offenders who do not qualify for registration.

**(d) Other Dangerous Offenders** – offenders who do not qualify under the other two MAPPA-eligible categories, but who currently pose a risk of serious harm which requires management via MAPPA meetings.

**(e) Breach of licence** – offenders released into the community following a period of imprisonment will be subject to a licence with conditions (under probation supervision). If these conditions are not complied with, breach action will be taken and the offender may be recalled to prison.

**(f) Sexual Harm Prevention Order (SHPO) (including any additional foreign travel restriction).** Sexual Harm Prevention Orders (SHPOs) and interim SHPOs replaced Sexual Offence Prevention Orders. They are intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public by placing restrictions on their behaviour. It requires the offender to notify their details to the police (as set out in Part 2 of the 2003 Act) for the duration of the order.

The court must be satisfied that an order is necessary to protect the public (or any particular members of the public) in the UK, or children or vulnerable adults (or any particular children or vulnerable adults) abroad, from sexual harm from the offender. In the case of an order made on a free standing application by a chief officer or the National Crime Agency (NCA), the chief officer/NCA must be able to show that the offender has acted in such a way since their conviction as to make the order necessary.

The minimum duration for a full order is five years. The lower age limit is 10, which is the age of criminal responsibility, but where the defendant is under the age of 18 an application for an order should only be considered exceptionally.

**(g) Notification Order** – this requires sexual offenders who have been convicted overseas to register with the police, in order to protect the public in the UK from the risks that they pose. The police may apply to the court for a notification order in relation to offenders who are already in the UK or are intending to come to the UK.

#### **(h) Sexual Risk Order (including any additional foreign travel restriction)**

The Sexual Risk Order (SRO) replaced the Risk of Sexual Harm Order (RoSHO) and may be made in relation to a person without a conviction for a sexual or violent offence (or any other offence), but who poses a risk of sexual harm.

The SRO may be made at the magistrates' court on application by the police or NCA where an individual has done an act of a sexual nature and the court is satisfied that the person poses a risk of harm to the public in the UK or children or vulnerable adults overseas.

A SRO may prohibit the person from doing anything described in it, including travel overseas. Any prohibition must be necessary to protect the public in the UK from sexual harm or, in relation to foreign travel, protecting children or vulnerable adults from sexual harm.

An individual subject to an SRO is required to notify the police of their name and home address within three days of the order being made and also to notify any changes to this information within three days.

A SRO can last for a minimum of two years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, last for a maximum of five years (but may be renewed).

The criminal standard of proof continues to apply. The person concerned is able to appeal against the making of the order and the police or the person concerned are able to apply for the order to be varied, renewed or discharged.

A breach of a SRO is a criminal offence punishable by a maximum of five years' imprisonment. Where an individual breaches their SRO, they will become subject to full notification requirements.

Individuals made subject of a SRO are now recorded on VISOR as a Potentially Dangerous Person (PDP).

#### **(i) Lifetime notification requirements revoked on application**

A legal challenge in 2010 and a corresponding legislative response means there is now a mechanism in place that allows qualifying sex offenders to apply for a review of their notification requirements.

Individuals subject to indefinite notification will only become eligible to seek a review once they have been subject to indefinite notification requirements for a period of at least 15 years for adults and 8 years for juveniles. This applies from 1 September 2012 for adult offenders.

On 21 April 2010, in the case of *R (on the application of F and Angus Aubrey Thompson) v Secretary of State for the Home Department [2010] UKSC 17*, the Supreme Court upheld an earlier decision of the Court of Appeal and made a declaration of incompatibility under s. 4 of the Human Rights Act 1998 in respect of notification requirements for an indefinite period under section 82 of the Sexual Offences Act 2003.

This has been remedied by virtue of the Sexual Offences Act 2003 (Remedial) Order 2012 which has introduced the opportunity for offenders subject to indefinite notification to seek a review; this was enacted on 30th July 2012.

Persons will not come off the register automatically. Qualifying offenders will be required to submit an application to the police seeking a review of their indefinite notification requirements. This will only be once they have completed a minimum period of time subject to the notification requirements (15 years from the point of first notification following release from custody for the index offence for adults and 8 years for juveniles).

Those who continue to pose a significant risk will remain on the register for life, if necessary. In the event that an offender is subject to a Sexual Offences Prevention Order (SOPO)/Sexual Harm Prevention Order (SHPO) the order must be discharged under section 108 of the Sexual Offences Act 2003 prior to an application for a review of their indefinite notification requirements.

For more information, see the Home Office section of the gov.uk website:

<https://www.gov.uk/government/publications/sexual-offences-act-2003-remedial-order-2012>



# Local page

## Her Majesty's Prison and Probation Service

Graham Barret, HMPPS, Governor - HMP Swansea

Christine Harley, HMPPS, Head of Local Delivery Unit – Probation

Protecting the public remains a priority for Prison and Probation Services (HMPPS) in Dyfed Powys and participation in the MAPPA process and engagement with the Strategic Management Board are of high importance. HMPPS has benefited from good partnership work with other agencies in the management of offenders. This is demonstrated by the commitment of partners to attend meetings, which are sometimes called at short notice, to ensure that we have robust risk management plans in place.

Probation staff have attended a number of training events arranged through the MAPPA unit. This includes training provided by Marcella Leonard, an expert on public protection, on working with predatory sex offenders and ARMIDILO-S training which is the Assessment of Risk and Manageability of Individuals with Developmental and Intellectual Limitations who offend sexually. Feedback from staff shows they have greatly benefited from engagement in this event. There has also been continued MAPPA chair training for those new to this role.

Some Probation staff are based in Police Headquarters at the public protection hub, providing an opportunity to ensure that Dyfed Powys has efficient

systems to communicate with prisons in Wales and England and links in a timely way to MAPPA.

The National Probation Service in Dyfed Powys Local Delivery Unit (LDU), as part of Her Majesty's Prison and Probation Service, has been supporting the implementation of the Offender Management in Custody Model (OMiC). Dyfed Powys LDU does not have a prison based in the area and for those who are serving a custodial sentence from communities within Dyfed Powys, the OMiC model will mean that those who have more than ten months to serve, will be managed in the custodial setting.

The Prison Public Protection team has been strengthened by the introduction of OMiC, bringing a Senior Probation colleague in to the prison to work with Prison Offender Managers as Head of OMU Delivery. This has facilitated use of existing networks to share information efficiently and effectively and is something that will be built on over the coming year.

This increased level of experience has also helped prison staff to think more clearly in regard to risk factors outside of prison, and although early days, it is anticipated that we will reduce the risk of people becoming victims of serious harm.

## Richard Lewis, Assistant Chief Constable, Dyfed Powys Police and Chair of the SMB

The Dyfed Powys MAPPA Strategic Management Board (SMB) is responsible for managing MAPPA activity within Dyfed Powys. Having recently taken over as the SMB Chair it is clear that there has been a high level of commitment and hard work demonstrated over the past year in contributing to the work of MAPPA. The Responsible Authorities and Duty to Cooperate agencies have a statutory duty to work closely to effectively manage sexual and violent offenders and the potential risks that they pose to the public.

Considerable progress has been made to date in the development of inter-agency public protection procedures through the Public Protection Hub and the Wales Integrated Serious and Violent Offender Management (WISDOM), which can assist in the management of MAPPA offenders. I am looking forward to working with fellow SMB members this year to continue to build on and strengthen the work of MAPPA within Dyfed Powys.

## Anthony Griffiths, Detective Superintendent, Dyfed Powys Police

Dyfed Powys Police involvement within MAPPA is governed by the Protecting Vulnerable People (PVP) Department within Dyfed Powys Police. The PVP department also addresses other areas of vulnerability and safeguarding, overseen by the Strategic Vulnerability Board, chaired by the Assistant Chief Constable, Mr Richard Lewis.

Dedicated MAPPA staff work within the Public Protection Hub at Dyfed Powys Police headquarters, alongside colleagues from HMPPS, and other offender management and safeguarding teams. This provides a cohesive approach to the identification and management of risk, together with information sharing and safeguarding. New processes have been agreed to maximise opportunities to share information with other agencies so as to achieve better supervision, monitoring and control of offenders. A continuous improvement event has also led to improved co-ordination and communication between the various functions within the hub.

The sustained increase in the reporting of sexual offences across the UK has resulted in a corresponding continued growth in the numbers of offenders being managed within the MAPPA structures. Additional administrative resources and better use of technology have been utilised to assist with the increased demand, so as to make the most of officer time during offender visits. This includes close working between Police teams and partnership agencies.

The operational Police response to day to day offender management is delivered by resources amalgamated within Offender Management Teams, situated across the Dyfed Powys area, and overseen by Detective Supervisors. These teams manage the MAPPA and IOM processes, in addition to the specialists dedicated to addressing Domestic Abuse.

The Management of Sexual and Violent offender officers (MOSAVOs) are supported by specialist Digital Media and Cybercrime Investigators, who can scrutinise and monitor the use by offenders of telecommunications and the internet. In addition, targeting teams are often deployed to enhance the work of MOSAVOs to ensure compliance with restrictive orders.

Close ties are maintained with neighbourhood policing teams, who play an important role in supporting the work of specialist staff from all agencies within MAPPA. This has enabled policing teams to manage and respond to tension and conflicts that can sometimes arise within communities, due to the emotive nature of the risks posed to children and vulnerable people.

Joint training with other organisations has been undertaken during the year to continue the professional development of staff within this complex area. This training and development has included close working with the Wales Integrated Serious and Dangerous Offender Management (WISDOM) central team. The year has also seen the WISDOM pilot model being incorporated as a 'business as usual' approach to strengthen offender management processes within the Dyfed Powys area.

Dyfed Powys Police continue to explore the potential for further opportunities to enhance multi-agency working. It remains committed to the effective management of MAPPA offenders and to work in partnership with other agencies to identify and reduce the risks posed to the community.

# Lyn Hambidge and Nicola Rabjohns, Lay Advisors to the Dyfed Powys SMB.

With the recruitment of a second Lay Advisor completed in late February 2018, the Board now has its full complement for the first time in 5 years. We look forward to working together with the SMB to add value to the Dyfed Powys MAPPA arrangements.

We now have regular planned lay advisor attendance at MAPPA Level 2 meetings across the Dyfed Powys area and some level 3 meetings; this ensures we can better understand the complex unseen work done by probation, police, prison, health, local authority and other statutory and voluntary organisations in managing and supporting MAPPA offenders. This work is carried out across agency boundaries and against a backdrop of increasingly strained resources.

We are currently undertaking visits to key criminal justice services relevant to MAPPA, to strengthen and complement our knowledge and understanding. In anticipation of implementation of the MAPPA Quality Assurance Toolkit over the coming year, we are contributing to file audits using the toolkit. Through the coming year, this will enable us to provide constructive objective feedback on the effectiveness of the Toolkit and identify key themes.

The review of SMB membership earlier this year has strengthened organisational commitment to the MAPPA process resulting in a stronger and more cohesive inter agency approach to reviews. The work of all MAPPA partners to protect the public is largely unseen and unheralded and is some of the most challenging and complex interagency work. The role of the Lay Advisor helps to ensure that the public interest is kept at the forefront.

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