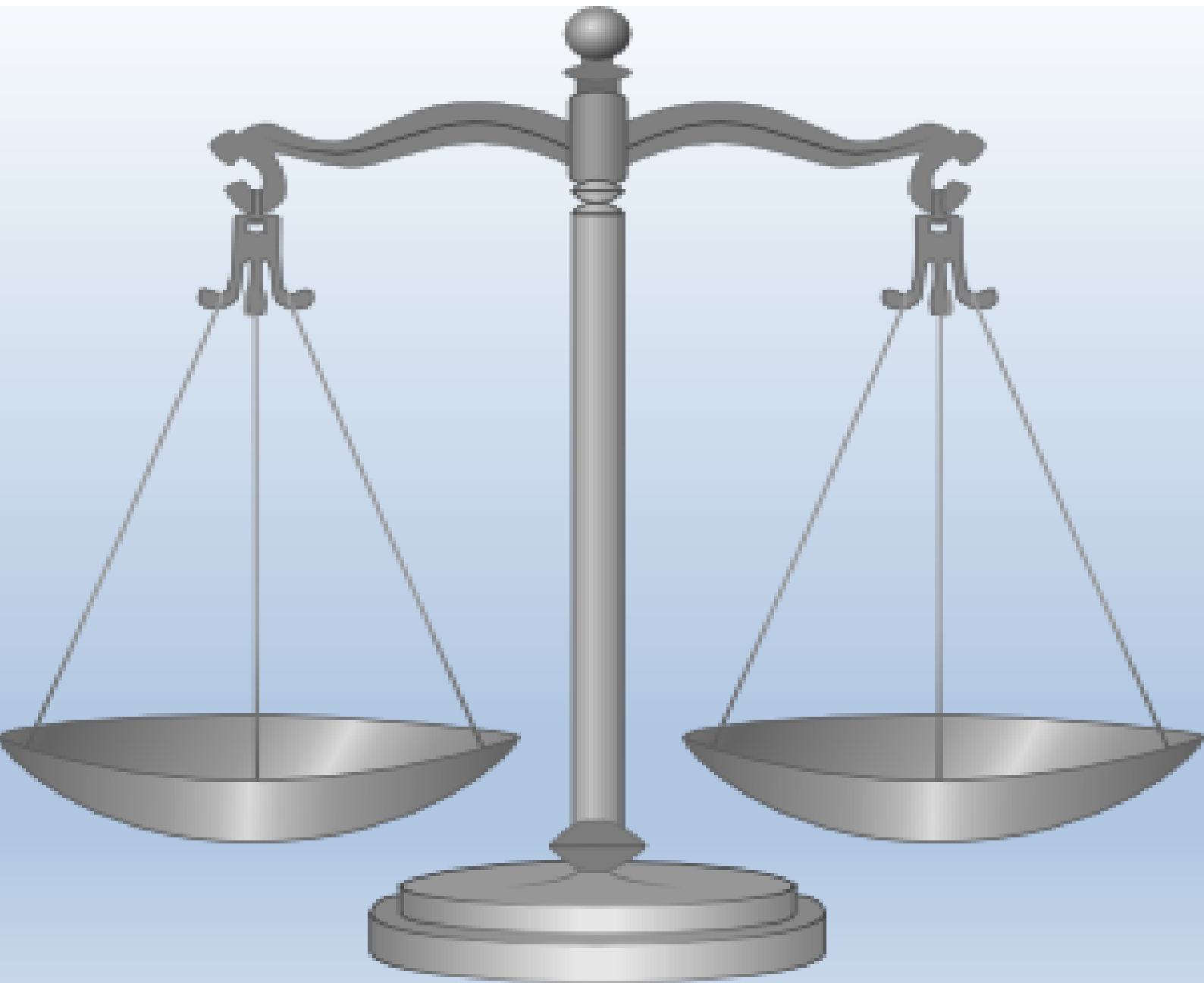




DURHAM AND DARLINGTON MAPP



Annual Report 2018-19

Introduction

This report brings together the agencies across County Durham and Darlington who work in partnership to manage offenders posing the highest risk of harm to our communities. Tackling and reducing the risk that violent and dangerous offenders pose is a key priority for all agencies engaged in the world of public protection and is the collective responsibility of all.

This report outlines statistics of the cases held in our area, progress and developments within the last year, and highlights the successes across the partner agencies in managing public protection issues.

The strength of the partnership between the prison, police and probation has continued to grow in County Durham and Darlington, and additional resources have been secured to assist in managing the risk that offenders pose to our communities.

The findings of this report reflect consistently effective and robust partnership working arrangements which have continued to thrive in spite of the current economic climate and the financial pressures that the public sector currently faces. Public protection is firmly on the agenda for all partner agencies and will continue to be so in the future.



Mike Barton
Chief
Constable
Durham Police

(now retired)



Alan Tallentire

Prison Group
Director, Tees
and Wear
Prisons Group



Maureen Gavin

Head of NPS
Durham



Foreword

Sarah Mainwaring – Head of Public Protection NE Division

As the current Head of Public Protection for the North East Division of the National Probation Service (NPS), I would like to take this opportunity to say thank you to the partner agencies involved in MAPPA.

The MAPPA process is fundamental to the effective protection of the public, management of offenders and the support of victims. This is not a task any of us can take on alone. MAPPA is composed of experienced and specialist police and probation staff working comprehensively to be the single point of contact for all cooperating agencies, prisons, youth offending services, job centres, education, housing and health services. Together we can share significant information, and provide advice and training to the agencies managing the risk posed by the most serious and complex offenders.

What is MAPPA?



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



MAPPA Statistics

| MAPPA-eligible offenders on 31 March 2019 | | | | |
|--|--|-------------------------------------|---|-------|
| | Category 1: Registered sex offenders | Category 2: Violent offenders | Category 3: Other dangerous offenders | Total |
| Level 1 | 787 | 254 | - | 1041 |
| Level 2 | 9 | 10 | 8 | 27 |
| Level 3 | 1 | 0 | 0 | 1 |
| Total | 802 | 262 | 25 | 1089 |

| MAPPA-eligible offenders in Levels 2 and 3 by category (yearly total) | | | | |
|--|--|-------------------------------------|---|-------|
| | Category 1: Registered sex offenders | Category 2: Violent offenders | Category 3: Other dangerous offenders | Total |
| Level 2 | 20 | 28 | 25 | 73 |
| Level 3 | 3 | 1 | 1 | 5 |
| Total | 23 | 29 | 26 | 78 |

| | |
|--|---|
| RSOs cautioned or convicted for breach of notification requirements | 9 |
|--|---|

| | |
|--|---|
| RSOs who have had their life time notification revoked on application | 9 |
|--|---|

| Restrictive orders for Category 1 offenders | |
|---|----|
| SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts | |
| SHPO | 29 |
| SHPO with foreign travel restriction | 0 |
| NOs | 0 |

| | |
|---|---|
| Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO) | 1 |
|---|---|

| Level 2 and 3 offenders returned to custody | | | | |
|--|---|--|--|--------------|
| | Category 1: Registered sex offenders | Category 2: Violent offenders | Category 3: Other dangerous offenders | Total |
| Breach of licence | | | | |
| Level 2 | 3 | 3 | 1 | 7 |
| Level 3 | 0 | 0 | 0 | 0 |
| Total | 3 | 3 | 1 | 7 |
| Breach of SOPO | | | | |
| Level 2 | 3 | - | - | 3 |
| Level 3 | 0 | - | - | 0 |
| Total | 3 | - | - | 3 |

| | |
|---|-----|
| Total number of Registered Sexual Offenders per 100,000 population | 142 |
|---|-----|

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

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>

County Durham and Darlington MAPPA

How MAPPA functions locally

In Durham and Darlington, level 2 and 3 meetings are currently held between Darlington Probation Office and Spennymoor and Durham Fire stations. NPS Durham are awaiting the completion of a newly built office facility in Durham City which is expected to be completed in April 2020 from where meetings for North Durham Mappa cases will then be convened.

The Durham and Darlington MAPPA team includes two MAPPA administration resources (Police and Probation) who manage the MAPPA diary, book meeting rooms, disseminate meeting invites and requests for information to relevant agencies, collate agency reports and provide action plans and minutes of meetings to the panel of attendees. DI Caroline Shields and I consider MAPPA referrals and make decisions around suitability, chair MAPPA level 2 and PDP meetings, ensure the smooth running of MAPPA processes in Durham and Darlington by building positive relationships with DTC agencies, provide training and managing a quality assurance and complaints group.

The Strategic Management Board (SMB) in Durham and Darlington is chaired by a senior manager from one of the Responsible Authority Agencies (National Probation Service, Police, Prison) with the current chair being Chief Superintendent Adrian Green from Durham Constabulary. The role of the SMB is to ensure the quality and effectiveness of MAPPA. It is impossible to eliminate all risks when offenders are being managed within the community but the three responsible authority agencies are fully committed to ensuring that,

through MAPPA partnership, risks are reduced.

The Prison Service in Durham manages the offenders prior to their return to the community making sure information is shared with key partners in advance of their release. There is an agreed joint process in place between Prison, Probation and Police that allows for effective communication to occur.

The Probation Service in Durham (NPS Durham) has access to a range of interventions, resources and restrictions by way of licence conditions which can be implemented through MAPPA to minimize and address the risks posed by an offender in the community. NPS Durham can commission resources from Durham Tees Valley Community Rehabilitation Company (DTV CRC), including accredited group work activities, domestic abuse one to one program and a mentor scheme for male and female offenders.

NPS Durham works closely with victims of crime who have been identified to have been affected by serious sexual or violent offending behavior. Anyone who is the victim of an offender sentenced to 12 months custody or more or is detained under the Mental Health Act 1983 for a Specified sexual or violent offence is contacted by the Victims Service Unit. The contact offered includes regular updates for the victims during the offenders sentence at relevant points and continues post release until the expiry of the sentence. The Victims Liaison Unit ensures the victims' views are raised in all appropriate forums including parole board hearings and MAPPA meetings.

MAPPA enables Durham Police to coordinate with other agencies the effective risk management of violent and sexual offenders. Registered Sex Offenders have a designated Police Risk Management Officer who can both

benefit from, and assist the risk assessment and planning process.

Duty to Cooperate (DTC) agencies which includes the Youth Offending Service, Children's Service, Local Authority Housing, Local Education Authority, DTV CRC, Fire Service, NHS Trust, Registered Social Landlords and Electronic Monitoring Services support the responsible authority agencies in providing and implementing a stringent risk management plan to protect the public from crime. The commitment from both the responsible authority group and duty to cooperate agency's over the last 12 months has been extremely positive with processes reviewed and mechanisms for information sharing improved. As a consequence, there has been efficient and effective management of risk in the community with some excellent examples of multi-agency working.

The implementation of the MAPPA E learning tool provided by North Yorkshire MAPPA for agencies in Durham and Darlington has been authorized by the SMB since October 2018. The tool has been advertised by partners and is being utilized by the cross reference of responsible authority and duty to cooperate agencies. It is evident from the statistics provided above, in comparison to last year, that the numbers of referrals have increased as to have the number of offenders heard at level 2 and 3 arrangements. However, it is apparent that the total number of meetings have remained constant to previous years. It is my view that with the help of the MAPPA E learning tool and guidance within meetings that colleagues from all agencies are becoming more confident and proficient in their understanding of MAPPA and its responsibilities towards the formulation of effective risk management plans.

Steven Adair – MAPPA Coordinator

A few words from the Lay Advisor

I am a barrister and Associate Professor at Durham Law School and was appointed as a Lay Advisor in March 2016. I see my role on the SMB very much as one of an informed observer and critical friend and certainly not as an expert. When attending SMB meetings and Level 2 and 3 meetings I am always impressed by the level of knowledge, professionalism, awareness and professional challenge of the individuals present. The diligence, skill and commitment of the MAPPA Co-ordinator, the SMB Chair and the individuals representing the participating agencies is incredibly high and the ever-present desire to reduce risk and improve public safety can be seen by the improvements made in three key areas this year.

The first of these key areas is ARMS assessments. The number of outstanding assessments (15) is very small compared with last year and huge amounts of work have been done by police and the probation service to continue to reduce this number. The number of outstanding and completed assessments has been closely monitored by the SMB. Secondly, there has been excellent representation from agencies at the SMB, QA

group and MAPPA level 2 and 3 meetings. Not only has attendance been excellent from both Responsible Agencies and Duty to Cooperate Agencies but levels of engagement have been high and the individuals attending meetings have been of appropriate seniority and with sufficient knowledge of the particular issues under discussion to make important and meaningful contributions. Finally, with regard to Level 1 cases there has been extensive work undertaken to ensure that the probation service stringently and effectively manages and reviews these "ordinary cases". There is a pending Level 1 consultation from NOMS which will require other Responsible Agencies and Duty to Cooperate Agencies to also consider their own procedures so we anticipate more work being done in this area over the next year.

The Durham and Darlington MAPPA Annual Report sets out some of the work being done by MAPPA. Many people are unaware of this work and I hope that this report will assist in giving the general public an awareness and understanding of what MAPPA is and the ways in which it seeks to protect our community.

Rachel Avery
Lay Advisor to Durham and Darlington
MAPPAs Strategic Management Board

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