

<p>Institution: Leeds Metropolitan University</p>
<p>Unit of Assessment: Unit 22 Social Work and Social Policy</p>
<p>Title of case study: Offender Information Systems</p>
<p>1. Summary of the impact (indicative maximum 100 words) Professor Thomas has undertaken a substantial body of work relating to government (Home Office and Ministry of Justice) offender information systems. These systems include the national collection of criminal records, and the sex offender register (as a sub-section of criminal records). This has had an impact on public policy and practice, through publications, conferences and direct engagement with government and parliamentary bodies. His work with lawyers in the UK Supreme Court led to changes in the law in 2012.</p>
<p>2. Underpinning research (indicative maximum 500 words) Thomas's research has been primarily concerned with the human rights side of information collation by the state on offenders and those 'at risk' of offending. This work has highlighted inconsistencies and procedural problems with the handling of such information.</p> <p>His solely authored books <i>Criminal Records: a database for the criminal justice system and beyond</i> (Palgrave 2007) and <i>The Registration and Monitoring of Sex Offenders: a comparative approach</i> (Routledge 2011) have been the mainstay of this research from the rest has emanated.</p> <p>The work places the individual first and sees criminal records and sex offender registers as forms of personal information which should be treated in the same way as other personal information in accordance with the Data Protection Act 1998.</p>
<p>3. References to the research (indicative maximum of six references)</p> <p>Thomas T (1997) Keeping Track? – Observations on Sex Offender registers in the U.S. (Co-author Bill Heberton), Police Research Group, (Crime, Detection and Prevention Series, Paper 83) Home Office, London,</p> <p>Thomas T (2001a) Sex Offenders, the Home Office and the Sunday Papers, <i>Journal of Social Welfare and Family Law</i> 23(1): 103-8, 2001</p> <p>Thomas T (2001b) The National Collection of Criminal Records: a question of data quality, <i>Criminal Law Review</i>, 887-97,</p> <p>Thomas T (2007) <i>Criminal Records: a database for the criminal justice system and beyond</i> Palgrave Macmillan London</p> <p>Thomas T (2009) The Sex Offender Register: some observations on the time periods for registration <i>Howard Journal of Criminal Justice</i> 48(3): 257-66</p> <p>Thomas T (2010) 'The Sex Offender Register, Community Notification and some reflections on Privacy' in Harrison K (ed.) <i>Dealing with High Risk Sex Offenders in the Community: risk management, treatment and social responsibilities</i> Willan Publishing, Cullompton, Devon</p> <p>Thomas T (2011) <i>The Registration and Monitoring of Sex Offenders: a comparative study</i>, Routledge, London</p> <p>Thomas T (2012) (co-author Thompson D) Applications to come off the Sex Offender Register: the position after F and Thompson v the Home Office 2010, <i>Howard Journal of Criminal Justice</i> 51(3): 227-37 July</p>

Impact case study (REF3b)

Thomas T (with Heberton B) (2013) Dilemmas and Consequences of prior criminal record: a criminological perspective from England and Wales *Criminal Justice Studies* 26 (2): 228-242

Thomas T (2013) Sex Offender Registration in the USA and UK: emerging legal and ethical debates (chapter 21); and

Thomas T (2013) The Travelling Sex Offender: monitoring movements across international borders (chapter 26) both in:

The Wiley-Blackwell Handbook of Legal and Ethical Aspects of Sex Offender Treatment and Management edited by Karen Harrison and Bernadette Rainey (published February 2013 by Wiley

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http://eu.wiley.com/WileyCDA/WileyTitle/productCd-1119945550_descCd-description.html)

4. Details of the impact (indicative maximum 750 words)

In his 2007 book Thomas revealed for the first time the extent to which the Police National Computer (PNC) which holds the national collection of criminal records was being accessed by non-police organisations (Thomas 2007). The PNC had traditionally held criminal records for the police and the courts and no one else. The police had, however, in conditions of some secrecy, been quietly allowing other organisations to have direct and continuing access to the PNC. Thomas was able to demonstrate that some 38 non-police organisations (and possibly more) had been allowed to have access by the Association of Chief Police Officers (ACPO) little known sub-committee known as the Police Information Access Panel (PIAP).

This spreading use of criminal records beyond the police and the courts had taken place purely on the basis of police decisions and with no democratic oversight. There was even a policy called 'Phoenix Links' to spread the practice; 'Phoenix' was the name of the PNC application that held records. When the House of Lords Select Committee on the Constitution in 2008 began its investigation Surveillance: Citizens and the State Thomas brought the work of the PIAP to the attention of the Committee. His Memorandum on the subject was re-produced in the Committee's final report (House of Lords 2009:437-438).

The Coalition government in May 2010 announced its intention to review the whole of the criminal record regime and the use of criminal records for employment screening. An independent advisor (Sunita Mason) had oversight of these reviews which reported in two phases in February and December 2011 (Home Office 2011 a and b).

Thomas was invited to the Home Office to take part in Phase 2. He spent two hours at the Home Office in London on 15th December 2011 discussing all aspects of the criminal record regime with staff of the Public Protection Information Team. He also provided them with a written paper ('Response to the Home Office on their Criminal Records Review' (15 December 2010) (15pp) (his contribution was acknowledged in the second phase report (Home Office 2011b: p69)). Following this visit he was invited to further discussions at a visit to the ACPO Criminal Record Office (ACRO) in Hampshire (1 September 2011).

The significance of PIAP and the PNC access to non-police organisations was noted in the Sunita Mason's final report:

"I believe further consideration could be given to [PIAP] membership, which needs to be sufficiently broad to reflect legitimate interests across government and the importance to the public at large of who has access to criminal records data..."

This complex landscape needs to be rationalised so that there is a clear national perspective on who has access to criminal records and for what purposes. In my view, access should never be granted for purely commercial reasons and such requests should be automatically barred. (ibid: p35)

and recommendation 7 of the report said that:

(i) Access to criminal records via the Police National Computer should only be granted where it is necessary for public protection or criminal justice purposes.

(ii) All such access should be agreed by the Police Information Access Panel (PIAP), based on appropriate business cases and supply agreements.

(iii) All existing supply arrangements should be reviewed within the next 12 months to check they conform to the standards set by PIAP (ibid)

and the secrecy of the decision making was held to be not in the public interest:

The handling of criminal records is a legitimate matter of public concern. Any citizen should have straightforward access to clear information about what these records consist of, how they are handled and how they might impinge on their lives. This is as much an issue for victims of crime as for those who commit them (ibid p41).

The Sex Offender Register

Thomas made an impact on policy re. the sex offender register by assisting solicitors and lawyers in a case at the UK Supreme Court against the Home Office. He was approached by Pete Weatherby of the law firm Irwin Mitchell who had taken up the case of two people who challenged the sex offender laws that said life-time registration could never be appealed against. Thomas provided them with background material that enabled them to win the case (including telephone advice during the Supreme Court hearing) and which required the government to introduce new laws to maintain compatibility with the European Convention on Human Rights (R on the application of F and Angus Aubrey Thompson (Respondents) v. Secretary of State for the Home Department (Appellant) [2010] UKSC 17).

The resulting new laws were in the form of a Statutory Instrument called the Sexual Offences Act 2003 (Remedial) Order 2012 no 1883 which amended the Sexual Offences Act 2003 by introducing new sections 91A-F. In future all life-time registrants would have a right of appeal and some 43 (of 91 applicants) have now been taken off the register (see Daily Mail 6 May 2013 using the Freedom of Information Act <http://www.dailymail.co.uk/news/article-2320483/Child-rapists-taken-Sex-Offenders-Register-secret--police-say-protect-human-rights.html> - accessed 19 July 2013; see also Thomas 2009, Thomas and Thompson 2012).

5. Sources to corroborate the impact (indicative maximum of 10 references)

Reports:

Home Office (2010a) A Balanced Approach (Phase1) London, March

<https://www.gov.uk/government/publications/criminal-records-regime-review-phase-one>

Home Office (2011b) A Common Sense Approach (Phase 2) London, February

<https://www.gov.uk/government/publications/criminal-records-regime-review-phase-two>

House of Lords (2009) Select Committee on the Constitution Surveillance: Citizens and the State, 2nd Report of Session 2008-9 Vol. 2 HL 18-2

<http://www.publications.parliament.uk/pa/ld200809/ldselect/ldconst/18/18we26.htm>

Beneficiaries:

Head of Criminal Records Policy, Home Office

Head of Criminal Records Team, Home Office

Impact case study (REF3b)

Criminal Records Team, Home Office
Criminal Records Team, Home Office
Irvin Mitchell, Solicitors
Independent Reviewer for the Home Office