



HIGHLANDS & ISLANDS
**MULTI-AGENCY PUBLIC PROTECTION
ARRANGEMENTS**

2019/20

MAPPA ANNUAL REPORT

Multi Agency Public Protection Arrangements

We are pleased to present the Annual Report 2019/20 on the operation of the Multi Agency
Public Protection Arrangements (MAPPA) in the Highlands & Islands area

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FOREWORD

I am pleased to present our Multi Agency Public Protection Arrangements (MAPPA) Annual Report for the Highlands and Islands area for 2019 – 2020. As Chair of the Highlands & Islands Strategic Oversight group for the period, I have seen first-hand the diligent work undertaken by the responsible authorities as well as the agencies with a Duty to Cooperate through MAPPA, and I would convey to them all my gratitude and thanks. The work of MAPPA agencies and the Strategic Oversight Group has served to protect children, adults and our communities in our area through the management of risk and deploying appropriate resources towards relevant offenders, namely:

- Registered Sex Offenders,
- Restricted Patients and
- those offenders assessed as posing a risk of serious harm to the public.

There has been a clear drive for continuous improvement and learning throughout the reporting period, with the Strategic Officers Group and relevant partners routinely addressing potential areas for improvement and implementing learning wherever it arises across agencies. This learning has been shared not just within the Highlands & Islands area in the reporting period but also where appropriate at a national level.

The information contained within this report provides confidence that the cooperation and information sharing undertaken through MAPPA has benefited the risk management within the reporting year that directly contributes to ensuring the Highlands and Islands remain as one of the safest areas in which to live. With continuing commitment, it will also continue to stand us in good stead in facing the significant challenges ahead in terms of the national picture of rising numbers of offenders, as well as the changes and substantial impacts caused through the Covid pandemic.

I trust that you find this report interesting and informative and that it provides reassurance of the commitment towards protecting the public and our communities.

Michael Stewart
Social Work Services Manager, Comhairle Nan Eilean Siar and Chair of the Highlands and Islands Strategic Oversight Group

WHAT IS MAPPA?

Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory arrangements of which the primary purpose is to maintain public protection and the reduction of serious harm. The protection of children, adults at risk and other members of the public are paramount. It is a structure by which registered sex offenders, mentally disordered restricted patients and other offenders who, by reason of their conviction, pose a risk of serious harm to the public are managed through the effective sharing of relevant information, and the assessment and management of that risk.

MAPPA was introduced in 2007 under requirements of the Management of Offenders (Scotland) Act 2005 and is delivered under National Guidance. Legislation defines the Responsible Authorities and those with a Duty to Co-operate (DTC).

The Responsible Authorities within the Highlands & Islands are:

- ❖ Highland Council
- ❖ Orkney Islands Council
- ❖ Western Isles Council
- ❖ Shetland Islands Council
- ❖ Police Scotland
- ❖ Scottish Prison Service
- ❖ NHS Highland
- ❖ NHS Grampian
- ❖ NHS Orkney
- ❖ NHS Eilean Siar
- ❖ NHS Shetland
- ❖ The State Hospital for Scotland

These agencies are responsible for the assessment and management of risk presented by offenders who are subject to MAPPA. The NHS Boards and The State Hospital are Responsible Authorities in respect of Restricted Patients only, and are deemed Duty To Cooperate Agencies in respect of Registered Sex Offenders.

The National Duty to Co-operate (DTC) agencies include:

- Scottish Children's Reporter Administration
- Department of Works & Pensions
- Electronic Monitoring Providers, e.g. G4S

- Registered Social Landlords
- any person/organisation providing services to, or on behalf of a Responsible Authority

The DTC agencies are required to accept, provide and reciprocally share appropriate information to support the risk management planning of any offender subject of MAPPA.

Who are the MAPPA offenders?

There are 3 categories of offender eligible for MAPPA:

Registered sexual offenders (Category 1) - sexual offenders who are required to notify the police of their name, address and other personal details and notify any changes subsequently;

Violent offenders (Category 2) - offenders convicted on indictment of a crime inferring personal violence and who are on probation or subject to licence following release. This Category is not enacted by the Scottish Government at this time.

Other Offenders (Category 3) - Offenders not required to comply with the SONR or a mentally disordered restricted patient; who by reason of their conviction are subject to supervision in the community by any enactment, order or licence; are assessed by the responsible authorities as posing a high or very high risk of serious harm to the public which requires active multi-agency management at MAPPA level 2 or 3.

Mentally Disordered Restricted Patients

This category of offender comprises those subject to any of the following orders or directions:

- ✚ Patients who are detained following conviction under section 57A and section 59 of the Criminal Procedure (Scotland) Act 1995;
- ✚ Patients who are detained under section 57(2)(a) and (b) of the Criminal Procedure (Scotland) Act 1995 Compulsion Order with a Restriction Order (CORO) following a finding of unfitness for trial or acquittal by reason of mental disorder;

- ✚ Prisoners detained in hospital on a Hospital Direction under section 59A of the Criminal Procedure (Scotland) Act 1995 or a transferred prisoner on a Transfer for Treatment Direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

HOW DO THE Multi Agency Public Protection Arrangements Work?

MAPPA in Scotland has always been utilised to coordinate the management of those offenders in the community required to notify under the Sexual Offences Act 2003, commonly referred to as Registered Sex Offenders, and those offenders deemed Restricted Patients under Mental Health legislation.

Offenders eligible for MAPPA are identified and relevant information is shared across those agencies involved, or likely to have a contribution in their management. The nature and level of the risk of harm they pose is assessed and actions are raised within a multi-agency risk management plan in order that those risks can be monitored and minimised to protect the public. Convicted sex offenders are now subject to more checks than ever before. The sex offenders register ensures monitoring is in place and agencies can continue to work together to protect the public from known sex offenders living in the community

The practical operation of MAPPA is performed within pre-set meeting structures at local authority level. Offenders subject of MAPPA will be managed at one of following 3 MAPPA Management Levels:

MAPPA Level 1: Routine Risk Management - In the vast majority of cases, the offender will be managed under the routine arrangements applied by the agency or agencies with supervisory responsibility, i.e. by the Police alone, or jointly with Criminal Justice Social Work. In the case of a Restricted Patient, the NHS will be lead agency. Level 1 is not applicable to MAPPA Category 3 Offenders, who once identified will only be managed under Level 2 or 3 Review processes.

MAPPA Level 2: Multi Agency Risk Management - This process is implemented where Risk Management Planning requires the active involvement of multiple agencies required to manage and actively reduce the risk of serious harm posed by an offender or where that management is complex and resource intensive. A number of factors will be considered in determining if an offender requires Level 2 management, this decision being the responsibility of the MAPPA Coordinator on receipt of a Referral and in consultation with the Responsible Authorities who consider the risk of serious harm thresholds are met. Those managed at Level 2 will be the subject of regular MAPPA Review Meetings through which a Multi-Agency Risk Management Plan is formulated, implemented and monitored.

MAPPA Level 3: Multi Agency Risk Management Panel (MAPPP) - From time to time, as with offenders managed at level 2, cases arise that present such a high level of risk to the public, or where the level of resources required to effectively manage the offender in the community are substantially beyond what could be considered normal. These offenders are often referred to as “the critical few” and, whilst managed under the same processes as Level 2 albeit more frequently, more senior representatives of the agencies involved will be actively involved in the formulation, implementation and monitoring of risk management plans.

All prisoners released from prison subject to MAPPA will have an agreed risk management plan to resettle them back into the community safely.

We work closely with offenders to ensure they gain access to help and support to tackle their criminal behaviours. This might be providing assistance with finding accommodation, helping with employment or offering treatment for drug, alcohol or mental health problems, including sex offender programmes to address the offending behaviour. This also means imposing tough controls. Offenders who are assessed as presenting a high risk of harm to the public are subject to very strict supervision and monitoring to help reduce that risk. This will inevitably mean that they have to live in approved and manageable accommodation and may be subject to Electronic Monitoring (Tagging) for a period of time. They may also be restricted from visiting certain places, having contact with certain people and must report regularly to the police or their supervising criminal justice social worker as well as receiving random unannounced visits to their home address. However, it is recognised that the vast majority of offenders do not receive custodial sentences are instead dealt with through the court system by way of a community based disposal/order under the supervision of criminal justice social work (CJSW).

In terms of risk or actions required to manage such, MAPPA will strive to manage offenders at the lowest possible level relating to assessed risk; therefore, to reflect change in this level of risk offenders can move either up or down levels in order that resources are commensurate with that perceived risk.

THE OVERSIGHT OF MAPPA

The operation of MAPPA is directed and overseen by the Highlands & Islands Strategic Oversight Group (HIMSOG). This Group consists of senior representatives from each of the Responsible Authorities, with representatives of the Duty to Co-operate agencies attending as appropriate or necessary. The group meets three to four times each year (or on an emergency basis) and has operated to a specific Business Plan for the period 2017-2019. This has served to reinforce the remit of the group and provides a business structure, the key areas being:

- Business Planning, management and resource allocation
- The Publication of an Annual Report
- Significant Case Review
- Training
- Adherence to updated National MAPPA Guidance and other relevant protocols
- Quality assurance and the Review of the Performance of MAPPA

MAPPA is well established across the Highlands & Islands area with the reporting year seeing continued refinement of the operation of MAPPA, with on-going review of practice and process locally and nationally in an effort to improve our ways of working.

The level of further sexual or violent offending committed by Registered Sex Offenders across the Highlands & Islands has remained very low year on year since MAPPA began in 2007, although any further offending is of concern to the Responsible Authorities and our communities. It is recognised that, on occasions, offenders managed under the MAPPA will commit, or attempt to commit, further serious crimes and, when this occurs a process of Case Review is initiated within MAPPA. The level of review undertaken will be determined by the nature and seriousness of alleged further offending and is intended to examine the actions or processes employed by the agencies involved to ensure that all reasonable actions had been undertaken and to capture any potential for learning that may enhance future work. In response to 2 particular instances of serious further offending during this year's reporting period, the HIMSOG directed that an Initial Case Review be undertaken by the Lead Agencies. It was determined that all necessary measures and processes had been in place and that no Significant Case Review was required.

Initial Case Reviews –

The HIMSOG has built on national guidance in developing its arrangements for reviewing all Initial Case Reviews (ICRs). An ICR takes place when the following occur:

- When an offender managed under MAPPA at any level, is charged with an offence that has resulted in the death or serious harm to another person, or an offence listed in Schedule 3 of the Sexual Offences Act 2003;

- Significant concern has been raised about professional and/or service involvement, or lack of involvement, in respect of the management of an offender under MAPPA at any level;
- Where it appears that a registered sex offender being managed under MAPPA is killed or seriously injured as a direct result of his/her status as a registered sex offender;
- Where an offender currently being managed under MAPPA has died or been seriously injured in circumstances likely to generate significant Public concern.

Lead agency

The lead agency varies depending on the category of the offender and whether they are the subject of statutory supervision by criminal Justice Social work (CJSW) at the time. The lead agency is the agency with statutory authority and responsibility to manage a MAPPA offender. Police normally lead on cat 1, CJSW always lead on cat 3 and where the offender is subject to an OLR. This management involves appropriate information sharing in order to properly identify risk. The lead agency has primary responsibility for referring the offender to level 2 or 3 management or notification at level 1.

Parole Board

The parole process is a system that enables some offenders to be released on license in the community under the supervision of a community based social worker. If an offender is released on parole, they are subject to be recalled to prison at any time if they breach the terms of their licence. Parole is only granted where the Parole Board is satisfied that the risk presented by the offender can be managed in the community.

The Parole Board for Scotland is a Tribunal Non-departmental Public Body whose members are appointed by the Scottish Ministers. The Board has a number of statutory functions but operates independently from the Scottish Government. Directions made to Scottish Ministers by the Board about early release of an offender are binding, with the exception of deportation cases and applications for compassionate release where the Board will offer advice only. The MAPPA process takes account of the parole position and plans for the potential release of “High Risk” offenders within our area by means of contingency planning should liberations occur.

2019/20 OVERVIEW

- ✚ COVID-19 – The UK Government’s decision on 16 March to impose a national lockdown across the United Kingdom impacted on all walks of life as well as the criminal justice system. This action affected the working practices of the responsible authorities in MAPPA within the Highlands & Islands and new and innovative ways of working with those who pose a risk of serious harm had to be developed quickly. Given the geographical area and working relationships within the Highlands & Highlands this was both achieved very quickly with minimum effect on service delivery. The national lockdown compelled many professionals to work from home and this resulted in some agencies under MAPPA not being able to have face to face contact with those individuals they manage. Both Police Scotland and criminal justice services continued to manage all offenders subject to MAPPA and monitoring by phone was widespread with some use of virtual platforms for video contact. However, face to face contact with high-risk offenders was maintained or where risk had increased with appropriate precautions taken initially in respect of personal protective equipment.

Subsequently agencies within the MAPPA were under significant pressure and were required to limit access to their buildings to prevent the spread of the disease. Alternative methods of interviewing individuals had to be found where possible. Services continued to be provided to those who are most vulnerable in society and in the early stages of the pandemic some areas has already become a very different place for everyone, not least those professionals working within MAPPA. At the end of the reporting year it is not known how long this pandemic emergency may last and it is a stressful time for everyone; however, the community within the Highlands & Islands can be assured that staff members working within the multi-agency partnerships of commitment to service and dedication to their clients. Professionals continue to come to work to do their job in the face of uncertainty and growing anxiety, and to shuffle personal priorities as all involved in MAPPA deal with this unprecedented situation and unknown danger. As at 31 March 2020 it is unknown what the future will look like in the next reporting year.

- ✚ 2019/2020 has seen further development of MAPPA processes, refining systems and raising awareness to build on the existing strengths of our local MAPPA networks and procedures.
- ✚ The revised National Accommodation Strategy for Sex Offenders (NASSO) was published in Sept 2019. This included information and feedback from a targeted survey of the Responsible Authorities and “duty to co-operate agencies”, and discussions with MAPPA Co-ordinators, Sex Offender Liaison Officers, Registered Social Landlord Link Officer Forums, Police Scotland and Health. The MAPPA National Strategic Group also provided feedback. The majority of those who provided a view considered that NASSO was operating well

at a local level. Respondents made a wide range of comments and suggestions for updating and including in the strategy. These formed a number of themes including updates and references, information sharing, roles and responsibilities, the assessment and management of risk, and the identification, allocation and management of housing.

- ✚ Internet Practice Model – In response to the Joint Thematic Review of MAPPAs in Scotland, the RMA completed a literature review on the risk posed by internet offenders. This has been used to draft a practice model to support decision-making with regard to the assessment of internet offenders. This was presented to the MAPPAs National Strategic Group and further development was agreed. The next phase of this project is to further develop the model through links to the Risk Assessment work stream of the Moving Forward: Making Changes National Advisory Board, with a view to piloting and evaluating the model. This is aimed at fulfilling the Joint Thematic Review's recommendation for practice guidance to be developed on the assessment of risk posed by internet offenders.
- ✚ In the reporting year, Police Scotland in conjunction with the RMA implemented a new Police Risk Practice process which provided a structured process and framework for the assessment of risk and formulation of Risk Management Plans. This has produced a more focused and consistent approach to risk management. Working in collaboration with Home Office Immigration and Enforcement, information sharing processes in respect of Foreign National individuals were reviewed and new processes implemented.
- ✚ One matter that remains outstanding from last year's Annual Report is the adoption of a revised Memorandum of Understanding and an associated Information Sharing Protocol. These documents are necessary in order to provide staff with a clear framework upon which to base any decisions regarding information sharing. At time of reporting, the documents remain unsigned by most responsible authorities within the Highlands & Islands; not all Legal Departments involved are, as yet, content to recommend their adoption.
- ✚ The Highlands & Islands Strategic Oversight Group (HIMSOG) should be reassured that the operation of MAPPAs within the area is operationally sound. This is supported by the standard KPIs and quality assurance processes measuring the overall performance of MAPPAs. There is strong evidence of good working relationships throughout the area at an operational level with excellent self-assessment processes embedded in local procedure.
- ✚ Awareness training has proved to be highly successful with very positive feedback from agencies such as NHS Highland, Department of Work & Pensions (DWP), Registered Social Landlord's (RSL), Highlife Highland, and Forensic Mental Health services to name a few. These

sessions primarily focused on increasing internal and external agencies knowledge of what MAPPA is and how its MAPPA processes operate. Awareness days will continue to be provided throughout the next reporting year.

The Year Ahead

- ✦ Due to the COVID-19 pandemic and the unpredictability of when normal life will return to many aspects of daily life, the responsible authorities will consider all operational linkages within MAPPA in relation to their respective Recovery Plans and make arrangements or adjustments as necessary.
- ✦ Develop and implement the recommendations and findings from National Significant Case Reviews and local learning events.
- ✦ To support the ongoing MAPPA commitment to maximise the benefit of ViSOR (Violent and Sex Offender Register); localised refresher training will be offered to all ViSOR trained users. ViSOR is the Home Office's recognised IT system designed to support MAPPA by assisting co-operative working between the Responsible Authorities in their joint management of individuals subject to the arrangements. The Scottish Government has continued to work with the Responsible Authorities to develop and support delivery of the ViSOR National Action plan to overcome barriers to the effective and efficient usage of ViSOR and to improve local authority usage of this database.
- ✦ Consider and implement, where appropriate to MAPPA, the recommendations and findings of public protection SCR's and local learning events to ensure any learning is captured and shared. The HIMSOG has devised three work groups which cover the following areas.
 1. Quality Assurance and Performance Management
 2. Practice, Training and Development
 3. Partnership Working
- ✦ After multi – agency national discussions to achieve consistency in practice across Scotland and to provide MAPPA level 2 and 3 chairs with an input on Risk Assessment and Risk Practice, Community Justice Scotland and the Risk Management Authority are attempting to

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establish mandatory training to all level 2 and level 3 MAPPA chairs. Preparations are now underway to develop this course in order that it could be rolled out later in 2020 with an explicit expectation that all level 2 and level 3 MAPPA chairs will achieve accreditation.

- ✚ To Review the localised Environmental Risk Assessment process used in each Local Authority area to ensure it remains fit for purpose and in line with the publication of updated NASSO guidance.
- ✚ The Scottish government in collaboration with MAPPA co-ordinators and the Responsible Authorities have been reviewing current MAPPA guidance with a view to publishing this in 2020. The HIMSOG will oversee and implement the new MAPPA guidance for Scotland when published.

Some Core Statistics

The following tables display the levels at which offenders across the NCJA have been managed during the reporting year:

MAPPA Levels		Highlands & Islands
Level 1	Registered Sex Offenders	262
	Restricted Patient	14
Level 2	Registered Sex Offenders	23
	Other Risk of Serious Harm Offenders	5
Level 3	Restricted Patient	0
	Registered Sex Offenders	3
	Other Risk of Serious Harm Offenders	1
	Restricted Patient	0

On the 31st March 2020

Number of Registered Sex Offenders on Licence/Order	91
Number of Sexual Offence Prevention Orders in Force	28
Number of Risk of Sexual harm orders (RSHO's) in Force	3
Number of 'Wanted' RSO's	Reported Nationally
Number of 'Missing' RSO's	Reported Nationally

These statistics represent totals as of 31 March 2020 and/or within the reporting year (Table 1) and it should be noted that all MAPPA offenders are assessed and reviewed regularly throughout the year in relation to their potential risk to cause serious harm to others. One of the principles

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of MAPPA is that offenders are managed commensurate to the risk they pose. This is a dynamic environment where effective risk assessment and information sharing is vital.

Restricted patients are persons detained in hospital under a compulsion order with a restriction order. This means they have usually committed an offence punishable by imprisonment but as a result of mental disorder are not imprisoned but ordered to be detained in hospital for treatment, without limit of time. They are dealt with through a programme of treatment and rehabilitation – the aim being to prevent recurrence of offending by dealing with the mental disorder.

	Highlands & Islands
Number of RSO's convicted of a further Group 1 or Group 2 offence	5
Number of RSO's subject to Formal Disclosure	0
Number of SOPO's imposed by the courts during reporting year	20
Number of Registered Sex Offenders reported for breaching their notification requirement	11
Number of RSO's convicted of breaching SOPO prohibitions	0
Number of Foreign Travel orders	1
Number of Registered Sex Offenders notified to Jobcentre Plus	29

Number of registered sex offenders within the H&I area on the 31 st March 2018 (in community and in custody)	288
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The number of registered sex offenders per 100,000 population still remains within a comparative range across Scotland.

The proactive identification of internet offenders by authorities ranging from online child sexual exploitation, possession of and distribution of indecent images of children, online grooming and live streaming have predominately led to a successive increase in RSOs both locally and nationally year on year.

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MAPPA Contact

The MAPPA coordinator is employed on behalf of all the responsible authorities and plays an essential role in the coordination, support and administration of the strategic functions on behalf of the Highlands & Islands Strategic Oversight Group.

HIGHLANDS & ISLANDS

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Further statistics and national information on the subject of MAPPA can be found on the Scottish Government Website.

Explanations of Terms Used

Registered Sexual Offenders (RSOs) – those who are required to notify the police of their name, address and other personal details and notify any changes subsequently. Failure to comply with the notification requirements is a criminal offence which can carry a term of imprisonment.

Restricted Patient – This is an offender defined under the Management of Offenders etc. (Scotland) Act 2005 Section 10, 11 (a-d)

Breach of licence – offenders released into the community following a period of imprisonment for a registerable sexual offence will be subject to a licence with conditions (under Criminal Justice Social Work supervision). If these conditions are not complied with, breach action will be taken and the offender may be recalled to prison. It perhaps would be a mistake to see the number of breaches as “failed cases” – rather they reflect decisive action taken to protect the public when offenders are not complying with the requirements of their licence.

Sexual Offences Prevention Order (SOPO) – A Court may make a SOPO at the time of dealing with certain sexual offenders or when the police make a special application on account of the offender's behaviour in the community. A SOPO can place restrictions and obligations on the offender and will require the subject to register as a sexual offender. If the offender fails to comply with the requirements of the order, they can be taken back to Court and may be liable to up to 5 years' imprisonment.

Risk of Sexual Harm Order (ROSHO) – Place restrictions and obligations on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or to children generally. The person's behaviour need not constitute a criminal offence, and s/he need not have any previous convictions. If the person fails to comply with (i.e. breaches) the requirements of the order, they can be taken back to Court and may be liable to up to 5 years' imprisonment. A conviction for breach of the order also renders the person subject to the sex offender notification requirements.

Notification Order – requires sexual offenders who have been convicted overseas to register with police, in order to protect the public in the UK from the risks that they pose. Police may apply to the court for the order in relation to offenders in or intending to come to the UK.

Foreign Travel Orders – prevent offenders with convictions for sexual offences against children from travelling abroad where it is necessary to do so to protect children from the risk of sexual harm.

Formal Disclosure – if a decision is made to formally disclose, then a letter of disclosure will be drafted on behalf of the Divisional Commander of the relevant Police Division. This letter should be served by the police personally on the person to whom the disclosure is to be made. The disclosure should be limited to the information necessary to minimise the risk. Officers serving this letter should ensure that they do not disclose any further information other than what is stipulated in the letter. Although no further information should be disclosed, advice and guidance on how the individual should respond to the information in order to protect themselves or others and in particular whether any further action is undertaken. This procedure will only be advanced as a last resort and will be completed in consultation with partner agencies. There are various other forms of disclosure available in the management of offenders.

Missing Offenders – An RSO should be considered as missing when the current whereabouts of the offender is unknown and police enquiries to establish their whereabouts have been unsuccessful and as a result the risk management process may not be achievable and there exists a requirement to trace the individual and address the risk he/she may pose and establish if further offences have been committed. Those offenders who have left the territorial jurisdiction of the United Kingdom and whose location abroad is known are not considered as missing. The requirement to comply with the registration process is suspended whilst offenders are out with the UK. Where appropriate, consideration should be given to establishing whether the offender has committed an offence relative to notification of his/her foreign travel. In this situation if an arrest warrant is issued relative to such an offence the offender should be regarded as Wanted.'

Wanted Offenders – Where it is known that an offender is actively avoiding police in response to police enquiries to trace that individual relative to offences they may have committed, or in relation to other matters for which it is required that they be interviewed. This may include those occasions where an offender is the subject of an arrest warrant.

MARAC – Multi Agency Risk Assessment Conference (MARAC) is a local, multi-agency victim focused meeting where information is shared on the highest risk cases of domestic violence and abuse between different statutory and voluntary sector agencies.