

Potentially dangerous persons

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This module sets out the ways in which potentially dangerous persons (PDPs) are identified, and describes the key elements involved in their management.

Introduction

Although not defined in statute, a PDP is a person who is not currently managed under one of the three **MAPPA categories**, but reasonable grounds exist for believing that there is a risk of them committing an offence or offences that will cause serious harm.

Examples of PDPs include:

- a person charged with domestic abuse offences on a number of occasions against different partners but never convicted of offences that would make them a MAPPA-eligible offender
- an individual who is continually investigated for allegations of child sexual abuse but is never charged or never receives a civil order, but whom agencies still believe poses a serious risk of sexual harm to children
- a person suspected, but not convicted, of terrorism or extremism-related activity
- where a community psychiatric nurse (CPN) or other mental health worker shares information with the police that a patient with mental ill health has disclosed fantasies about committing serious violent offences. The patient is not cooperating with the current treatment plan, and the informant believes serious violent behaviour is imminent
- a person who has committed offences abroad that, had they been committed here, would result in the offender being managed under MAPPA (consider **section 72 of the Sexual Offences Act (SOA) 2003** on extra-territoriality)

These types of individuals could benefit from active management but would not be managed under MAPPA. This management would usually involve two or more agencies (with responsibility

for leading on specific risk management actions), although there may be cases where only the police are involved. There must be a risk of the subject causing serious harm for their case to be managed. Although there is no statutory multi-agency framework to govern PDPs, a multi-agency approach is considered good practice. The Criminal Justice Act (CJA) 2003 provides the legislative framework for the responsible authority to **establish arrangements** in relation to MAPPA offenders, but this **does not** extend to PDPs. The police, however, may determine that the risk posed by a PDP requires them to retain and share information. The requirement and authority to do so lies in the positive obligations under the [European Convention on Human Rights](#) (ECHR), as incorporated by the Human Rights Act 1998. These are Article 2 (the right to life) and Article 3 (the right to freedom from torture or inhuman or degrading treatment or punishment).

Initial referral

Chief officers must ensure forces have a robust mechanism for identifying PDPs and actioning PDP referrals. The process should be communicated to all staff and relevant partners with clear instruction on how to access the PDP referral form.

A PDP may be identified in a number of ways, including:

- where there is an unproved allegation of a Schedule 15 offence (CJA 2003)
- information or intelligence acquired or received by police
- as cases referred to MAPPA that do not qualify for MAPPA management but meet PDP criteria
- referral from another agency, such as mental health services, childcare services or social services
- referral from any individual or unit in the police force with information that someone meets the PDP criteria

If the individual being referred is under 18 years of age, staff should consider making a safeguarding children referral. Children's Services (plus the youth offending team, if applicable) should be involved in any resulting processes to manage the individual as a PDP.

Any police officer or member of police staff who either has a concern regarding a potential PDP, or has been passed information alerting them to another person's concern, should be encouraged to talk to a member of the MOSOVO team or Counter Terrorism Unit (CTU) regarding the referral.

Risk assessment

As potential PDPs may pose an immediate threat, the initial risk assessment is crucial and central to their effective management.

There is no specific risk assessment for PDPs. However, consideration should be given to using existing risk management systems for offending types and MAPPA processes.

On receipt of a potential PDP referral, a member of the MOSOVO team or CTU should develop an intelligence profile to inform risk assessment. Local force intelligence systems, the Police National Database (PND), Police National Computer (PNC), other relevant databases and partner agency checks assist in building this profile. The results of the checks inform the decision making.

The person in charge of the MOSOVO unit or CTU is responsible for ensuring that risk assessments of PDPs take place in a timely fashion, are informed by current and relevant information and intelligence and the right actions are taken to manage the risk.

For risk assessment to be as accurate and informed as possible, it is essential that any information is available to the police or partner agencies which indicates that someone is at risk of causing serious harm. All police officers and staff must, therefore, ensure any information is recorded and routed correctly in line with their local force policies.

The assessment of PDP referrals should only be carried out by staff with the appropriate training and experience, such as a MOSOVO or CTU officer or offender manager.

The assessment of the referral should include:

- information and intelligence outlining risk
- the nature of the risk
- who is at risk (for example particular individuals, children, vulnerable adults)
- the circumstances likely to increase risk (for example issues relating to mental health, medication, drugs, alcohol, housing, employment, relationships)
- the nature and pattern of the individual's behaviour
- the factors likely to reduce risk
- all relevant medical evidence available and consideration of whether there is a reasonable medical explanation for the behaviour displayed

If eligible for MAPPA (in accordance with Chapter 6 of MAPPA Guidance) the referral should be passed on to the MAPPA coordinator in line with MAPPA Guidance and local policy.

Agency checks

Staff should check with the following agencies:

- health (including mental health)
- HM Prison and Probation Service (HMPPS)
- local authority social care services (for children and adults)

Staff should also check with any other agencies they feel may hold information pertinent to the prevention and detection of crime. These agencies include, but are not limited to, the local housing authority and local education authorities.

Staff should seek clarification on what the agency's view is on the risk presented and what actions they are currently undertaking or intend to undertake to manage the risk.

Referral for ratification

The decision to ratify (or not) as a PDP should be made by a suitably qualified inspector or above. The decision should be:

- made according to the risks assessed
- made as soon as possible and within at most five working days of receiving the referral
- noted on the PDP referral form

If the decision is made not to ratify, this should be recorded on appropriate force and national systems. The PDP referral form, together with all associated documents, should be retained in accordance with APP on [information management](#).

If the decision is made to ratify the individual, forces should determine which policing unit will be responsible for managing the PDP and make this information available to all relevant police officers and staff (for example communications room staff). The decision to ratify should be recorded on appropriate force and national systems, including ViSOR.

Once a PDP is ratified, a ViSOR record should be created in line with [Home Office ViSOR Standards](#). Forces should determine which policing unit will be responsible for managing the ViSOR record.

Managing PDPs

Forces determine how PDPs are managed. This will include risk management strategies that are developed between the force and partner agencies, who work closely to share information regarding the PDP. This may include convening PDP meetings, which should include all relevant agencies. All PDP meetings should be recorded on the PDP meeting form and the minutes attached to the PDP's ViSOR record.

Every PDP should have a risk management plan recorded on ViSOR. An offender manager will be allocated in accordance with force policy. In addition to the usual policing tactics for preventing crime and reducing harm, the offender manager should consider the following areas as part of any PDP risk management plan:

- information sharing
- disclosure to third parties
- review of unsuccessful criminal investigations
- applying for a civil order where appropriate
- using existing risk management systems where appropriate

It may be appropriate to inform the PDP that they are being managed as such. This is decided on a case-by-case basis and the rationale for any such decision should be fully documented. Offender managers must be mindful of the human rights legislation that exists to protect an individual's right to a private life and to live free from degrading treatment. But this must be balanced with the proportionate action that the police are duty-bound to take to protect the public.

If the PDP moves from one force area to another, local force procedures for the transfer of this assessment and all other records, including management activities and issues, should be followed. These procedures should comply with the [Home Office ViSOR Standards](#).

PDP cases should not be managed indefinitely and should be considered and recorded on a case-by-case basis, up to a maximum of eight weeks. Deregistration should be ratified by a suitable inspector or above. The police have primary responsibility for coordinating the management of

PDPs.

Victim considerations

Victim safety, preventing repeat victimisation and avoiding the creation of new victims are fundamental to public protection. Police should ensure that their decision-making is based on effectively engaging current and potential victims, where practicable and appropriate. By doing so, agencies working in partnership can establish that risk assessment and risk management plans properly reflect victim concerns and provide appropriate measures to protect them.

The safeguards relating to disclosing information about a PDP to third parties are as important as those for MAPPA offenders. For more information, agencies should refer to the chapter on [disclosure](#) in the current MAPPA guidance.

As part of any PDP risk management plan, the police should decide whether third-party disclosure is necessary. If a PDP meeting is being held, disclosure should be given due consideration on a case-by-case basis as a standard agenda item. The decision to disclose should balance the PDP's rights under Article 8 and the victim's right to Articles 2 and 3. Decision makers will need to consider how best to make a victim safe, for example use of civil orders, deployment of specialist policing units, Domestic Violence Disclosure Scheme, Child Sex Offender Disclosure Scheme, etc. This will include deciding whether informing the PDP, and/or the victim, will assist or hinder this. Proportionality is important and should be linked to the options available to manage the PDP.

Information sharing

There is legislation that supports the sharing of information for policing purposes. In cases of doubt, these should be identified and stated for the benefit of all those sharing information.

Necessity and proportionality

Only the right amount of information should be shared with only the appropriate staff in each agency and must be proportional to the risk presented.

For example, the PDP referral form may contain the personal data of multiple individuals (for example victims and perpetrators). Staff should consider the interests of all these people when sharing this information. In addition, information shared with a single point of contact (SPoC) in an

agency does not give that SPoC the authority to share the information more widely across their organisation than is strictly necessary.

The more information shared beyond that which is necessary, the more likely the sharing will be disproportionate and, therefore, unlawful.

Stored and shared safely and securely

All information about PDPs must be kept and shared safely and securely, and should only be available to, and shared with, those who have a legitimate interest in knowing it. Safeguards must be in place to ensure that people who do not have a legitimate interest in the information cannot access it. The more sensitive the information and the more serious the consequences of accidental loss or disclosure of such information, the more stringent the procedures needed to protect it. For further information, see [Data Protection Act 2018](#).

Agencies must ensure that staff have confidence in the administrative procedures underpinning efficient PDP management. Accurate, clear and timely record keeping is necessary to demonstrate accountable information sharing and show safe and secure information storage and retrieval procedures.

Effective policing of PDPs requires information sharing and efficient information management. See APP on [information management](#).

Deregistration of a PDP

A suitably qualified inspector or above can decide to deregister a PDP if the PDP becomes eligible for MAPPA management or:

- there are no longer reasonable grounds for believing that there is a risk of them causing serious harm
- no additional reason has been raised that suggests it is necessary to continue to manage the individual as a PDP

This should be recorded on the original PDP referral form and noted on the PDP's ViSOR record, following which the ViSOR record will be archived.

Requests under the Freedom of Information Act 2000

The management of MAPPA offenders attracts a significant amount of interest, and forces receive many requests under the Freedom of Information (FOI) Act 2000 for information on local processes and offenders. The management of PDPs can attract similar levels of interest. Any FOI requests must be referred to the [National Police Chiefs' Council national policing freedom of information and data protection central referral unit](#) (CRU) who will provide advice, best practice and consistency. After referring a request, staff should not respond to the applicant before hearing from the CRU.

Tags

Sexual and violent offenders