

Sexual Offences

Sex Offenders Register



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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

Introduction

1. Sex offender registration and notification policies are a relatively recent development in the criminal justice system.
2. The Polish experience with this type of special control mechanism in dealing with sexual offenders is relatively short.
 - ➡ the Act of May 13, 2016 on Counteracting Sexual Crime Risks
 - ➡ Although the authors of this act emphasized its necessity and effectiveness in the fight against this type of crime, the individual solutions contained in the act raised numerous doubts and controversies from the very beginning, not only among lawyers, but also among therapists.

Sex offenders register

The register uses a data communications system.

- ▶ The register is kept by the Minister of Justice, and the related tasks are to be carried out by the Information Bureau of the National Criminal Register

(the tasks are specified in Art. 5 of The Act).

Art. 5 of the Act: *The tasks of the Information Office include:*

1. processing of personal data collected in the Register;
2. securing personal data collected in the Register against unauthorized access;
3. preparing drafts of decisions, resolutions, and considering complaints in cases involving the processing of personal data collected in the Register.

Sex offenders register

In Poland there is a Sex Offenders Register.

It consists of the Public Register and the Restricted Access Register.

[<rps.ms.gov.pl>](http://rps.ms.gov.pl).

▶ **The Article 3 precisely lists the protective measures for the realization of The Act:**

- the register of sexual offenders,
- the obligations of employers and other organizers in the activities related to education, treatment and care of minors,
- as well as identifying locations of particular risk for sexual crime(creating a Safety Map).

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- ▶ The registry is supplemented with a publically available map of sexual crime threats, which includes the places of sexual offences and the places of residence of offenders.
- ▶ Access to the Public Register is unlimited.
- ▶ There is no fee for providing information from the Sex Offenders Register.

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▶ **The register with limited access collects data on all categories of offenders referred to in Art. 6 sec. 1 items 1–4 of The Act.**

- offenders who were sentenced for: violent rape of children younger than 15 years old and repeat criminals, crime of incest against the minor child, child pornography and abuse, production of child abuse materials and so on.

▶ Unlimited Register contains records of those offenders who were sentenced for violent rape of children younger than 15 years old and repeat criminals.

▶ The Information **about minors is excluded** from the public register

▶ Entering the data of persons referred to in art. 6 of The Act, occurs *ex officio*, as a consequence of legally valid, final and non-appealable decisions in their cases.

Sex offenders register

▶ According to the Article 11:

- The entering data in the register is related to the obligation imposed on that offender to report his actual address of stay to the Police.
- and to report every change of the actual address of stay, at the latest on the third day of such stay, to the Police organisational unit competent for the place of stay.

So, this obligation, which is not part of the conviction, is linked to the need to monitor the movements of sex offenders.

- The fulfillment of this obligation has been secured by defining a new offense directed against persons who fail to comply with these reports and are subject to arrest, restriction of liberty or a fine of not less than PLN 1,000 (Art. 23 paragraph 1).

Sex offenders register

- ▶ Both the data about the person included in the register and the obligation referred to above will be deleted or will expire when the conviction is obliterated or in other cases specified [in Art. 18](#).
 - The group of entities that may use the information contained in the database with restricted access is specified [in Art. 12 of The Act](#).
 - Apart from law enforcement authorities, the judiciary and the government administration (prosecution office, courts, police) the list includes employers and other organizers of activities that concern minors (in connection with the admission of a given person to work with minors), the state commission for investigating cases of activities directed against sexual freedom and decency toward a minor under the age of 15 and any person who wants to check whether their data is included in this database.

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rps.ms.gov.pl.

Rejestr Sprawców Przepięstpw na Tle Seksualnym

Rejestr publiczny

Filtry

Miejscowość, w której osoba przebyw

Pierwsze imię


Nazwisko

Filtry zaawansowane ▾

Wyczyść Filtruj

Sortowanie: Nazwisko A-Z

Tożsamość: < 1 2 >




Nazwisko: ADAMCZYK
Nazwisko rodowe: ADAMCZYK
Pierwsze imię: MARIUSZ
Data urodzenia: 1976.10.09
Płeć: Męczyzna
Miejscowość urodzenia: BARLINEK
Obywatelstwo/a: POLSKIE
Miejscowość, w której osoba przebywa: W trakcie weryfikacji

Drugie imię:

Państwo urodzenia: POLSKA

Szczegóły

Tożsamość: < 1 2 >



Nazwisko: ADLER
Nazwisko rodowe: ADLER
Pierwsze imię: PAWEŁ

Drugie imię: MARCIN

Szczegóły

Sex offenders register

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<rps.ms.gov.pl>.

- ▶ Obtaining information from the Restricted Access Register requires:
 1. creating an account on the Restricted Access Register website **<rps.ms.gov.pl>** by
 - a)** choosing the appropriate account:
 - individual user account
 - institutional user account
 - b)** filling out the appropriate registration form.
 - ▶ The individual user account is activated immediately after submitting the form.
 - ▶ The institutional user account is activated after submitting the form and after sending a written notification to the Ministry of Justice postal address. Detailed information can be found on the homepage of the Sex Offenders Register in the Help tab.
- 2. Generating a request and signing it with a qualified electronic signature or signature confirmed by an ePUAP Trusted Profile (Profil Zaufany).

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- ▶ The Helsinki Foundation for Human Rights claims that "a public registry is not an effective instrument against the risk of sex crimes."

"We believe that access to such database should be limited to a narrow group of users," says the HFHR's secretary

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- ▶ The creators of the register say that it is the *“most common means of control”* and *“providing data from the register about the perpetrators and the potential risks associated with being at large”* is to help *“stop the perpetrators from returning to crime and strengthen the social sense of security”*.
- ▶ Apart from their warning and protective function toward society, Sex offenders register constitute a certain ailment for convicts, which is by no means an unintended effect of its introduction.

Sex offenders registers impact on offenders

Sex offender registration laws are based on the assumption that sex offenders are more likely to recidivate than other offenders

- ▶ Sex offender registration carry costs in the form of consequences for both sex offenders and their families, including difficulties in relationships and maintaining employment, public recognition, harassment, attacks, difficulties finding and maintaining suitable housing, as well as an inability to take part in expected parental duties, such as going to school functions.
- ▶ Sex offenders registry affect not only sex offenders, but also their loved ones. Laws may force families to live apart from each other, because of family safety issues caused by neighbors, or because of residency restrictions. Family members may experience isolation, hopelessness and depression

Sex offenders register

- ▶ Sex offender registries are used in every jurisdiction in the United States, and these repositories provide online access to an array of information about convicted sex offenders and their sex offenses
- ▶ Most arguments supporting sex offender registries emphasize the assumed improvement of public safety, particularly the protection of children. Because Internet databases reveal the identity of sex offenders to the community, supporters of criminal registries maintain that this information reduces the opportunity for recidivism.