

In the Supreme Court of St. Helena

Citation: SHSC 2/2021

Criminal

Sexual Offences Prevention Order

Liam Adams

-v-

Attorney General

Ruling on an application to vary a sexual offences prevention order dated 19th December 2023

Duncan Cooke, sitting as an Acting Judge of the Supreme Court

Section 93 of the Welfare of Children Ordinance 2008 & Section 1 Sexual Offences (Amendment) Act 1992 apply to this ruling. Nothing may be published if it is likely or calculated to lead members of the public to identify any complainant or person under 18 involved in these proceedings

1. This is a ruling on an application by Mr Adams to vary a Sexual Offences Prevention Order (SOPO) imposed upon him by the Chief Justice Charles Ekins on the 27th April 2021
2. The SOPO contained various provisions and was made until further order. There is no application to vary the prohibitions in the order which is aimed at preventing access to girls under 18 and restricting internet use. The concern raised by Mr Adams is that the order was made until further order and as he is a young man the idea that he is subject to the notification requirements for his lifetime will significantly blight his life when it comes to such matters as employment.
3. Mr Adams pleaded guilty to inciting a girl to engage in sexual activity and meeting a child following grooming. He received 12 months imprisonment for the first offence and two months consecutive for the second. The impact of these sentences is that by virtue of the Rehabilitation of Offenders Act 1974 the convictions are spent 48 months after his sentence expires and, were it not for the SOPO, he would be subject to the notification requirements for 10 years. However, while a SOPO is in force he will continue to be subject to the notification requirements beyond the 10 year period
4. It is important to note that this court cannot be an appeal court for the decision of the Chief Justice in terms of reviewing whether he was right or wrong to make the SOPO until further order. When the Chief Justice imposed the order the pre-sentence report assessed Mr Adams as presenting a high risk of serious harm to post pubescent females. The PSR author noted that at the time of the offending Mr Adams was living a pro-social life with few factors that would encourage offending behaviour. The PSR author saw a SOPO as a means of providing further oversight and management of his behaviour. However the author also said that the risk of harm could be addressed

through one-to-one offence based intervention to develop the means by which to effectively manage Mr Adams' risks.

5. Mr Adams has now completed his sentence. He engaged very well with probation and was allowed to be released on temporary licence to attend work during the custodial element of the sentence. After his release on licence he continued to work well with probation until the sentence expired, his learning is described as positive and he demonstrated remorse and victim empathy. He did offend on licence by drink driving and completed his 60 hours community service for that offence without issue. His current risk assessment is one of a medium risk to female children and a low risk for other categories. He also engages well with his police offender manager
6. I have sympathy for Mr Adams' position, especially as he is 22 years old. I also consider that the application is properly brought. However the purpose of the order is to offer protection to children who might be the subject of offending by Mr Adams, who it should be noted was outwardly a normal young man when he committed serious offences. That he engaged well during his sentence is to be commended and that his risk as determined by probation has changed from high to medium is a very positive factor. He does though still pose a medium risk to young females and that risk cannot be ignored and nor can it be said that this risk will change in the immediate future. There is clearly still a need for a SOPO given the risk posed and the necessity to protect girls from serious sexual harm from Mr Adams.
7. The minimum period a SOPO can be imposed for is one of 5 years and from Mr Adams' point of view the best amendment to the order I could make at this stage is to reduce it to 5 years, i.e. until the 27th April 2026. Notification, in the absence of a SOPO, would end on 19th March 2031
8. It is, to my mind, too early to reduce the length of the order. The risk is still at a level that requires a SOPO. This application would be better made towards the end of the 10 year period after conviction. At that stage it is hoped that Mr Adams can demonstrate that his risk factors have reduced to such an extent that the SOPO is no longer necessary.
9. As I have said I have sympathy for Mr Adams' position and this ruling is not to be seen as a criticism of his applying at this stage. It should be seen by Mr Adams as encouragement to work further to reduce his risk factors. This is not an indication that any later application would be successful but it goes without saying that it is more likely to be allowed if he can show his risk levels are low

Duncan Cooke, Acting Judge of the Supreme Court
19th December 2023