



# Online and on the edge: Real risks in a virtual world

An inspection into how forces deal with the online sexual exploitation of children

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# Contents

<b>Foreword</b> .....	<b>4</b>
<b>Executive summary</b> .....	<b>5</b>
<b>1. Setting the context</b> .....	<b>8</b>
Children living in an online world .....	9
The real world threat.....	13
The dark web.....	13
Nature and scale of offending.....	14
Keeping them safe.....	16
<b>2. The police role in child protection</b> .....	<b>18</b>
<b>3. The inspection process</b> .....	<b>19</b>
<b>4. The experiences, progress and outcomes for children who need help and protection</b> .....	<b>21</b>
Initial contact.....	21
Assessment and help .....	22
Investigation .....	24
Quality of decision-making.....	29
Management of those posing a risk to children .....	32
<b>5. Findings: leadership, management and governance</b> .....	<b>35</b>
<b>6. Findings: how effective is the police response to children who need help and protection?</b> .....	<b>37</b>
<b>7. Conclusions</b> .....	<b>40</b>
<b>8. Summary of recommendations</b> .....	<b>42</b>
<b>Annex A Relevant legislation at the time of the inspection</b> .....	<b>44</b>
<b>Annex B Assessment Criteria</b> .....	<b>55</b>
<b>Annex C Categorisation of indecent images</b> .....	<b>70</b>
<b>Annex D National strategy</b> .....	<b>72</b>

Legislation .....	74
National policing .....	74
<b>Annex E Glossary.....</b>	<b>77</b>

## Foreword

There can be no more important duty placed on society than to protect children from harm. The police service in England and Wales plays a vital role in keeping children safe and carrying out this duty.

Her Majesty's Inspectorate of Constabulary is an independent inspectorate, empowered by virtue of section 54, Police Act 1996, to inspect and report on the "efficiency and effectiveness of every police force maintained for a police area" in England and Wales.

In 2012 HMIC carried out fieldwork as part of an inspection into how police forces performed in their work to prevent online child sexual exploitation which is facilitated and enabled by the internet. This fieldwork identified opportunities to undertake coordinated law enforcement activity to apprehend perpetrators across England and Wales. As a result, operation Notarise was established as a large scale police operation between the National Crime Agency and the police service. So far, 745 people have been arrested, 900 premises searched, and nearly 10,000 devices capable of storing indecent images of children have been seized. Over 500 children have been identified and safeguarded as a result of this activity.

From time to time, in the course of our inspection work, we come across live police operations. We do not make public any material that might compromise current operations or pending criminal trials.

HMIC therefore agreed to postpone further inspection activity so as not to jeopardise current operations. We have now completed our inspection and this report sets out our findings, drawing from our earlier fieldwork and from additional inspection activity that took place in 2014.

HMIC expects its findings, conclusions and recommendations to improve police standards in protecting children from online exploitation, and to increase efficiency and effectiveness of child protection investigations in all forces in England and Wales. We hope, too, that it helps the public and police and crime commissioners to hold the police service to account.



Drusilla Sharpling CBE

HM Inspector of Constabulary

## Executive summary

Taking, possessing and distributing indecent images of children or grooming them online, can result in the commission of serious crimes against the most vulnerable. These crimes are not necessarily confined to the online world. There is a risk that perpetrators are also committing sexual offences against children in person or may do so in the future.

This report sets out the findings from fieldwork in Devon and Cornwall, Kent, Lancashire, North Wales, Northumbria and Staffordshire where HMIC inspectors reviewed a total of 124 cases selected at random, and conducted interviews with police officers and staff. Although we did not inspect every force, we anticipate that our findings and recommendations will be relevant in whole, or in part, for all police forces throughout England and Wales.

The first part of this report sets the scene, looking at the reasons and background to why children are sexually exploited online. The second part sets out our findings on the police service's efforts to tackle online child sexual exploitation. Although this report does not specifically focus on the police's use of technology when dealing with this type of offending, in our annual assessment of policing in England and Wales, published in November 2014, we stressed the need for the police service to refresh and improve its capabilities on a regular basis. The police will need to make a major leap forward in capability to keep pace with the crime threat, and this is particularly true of crimes against children facilitated by online activity.<sup>1</sup>

In 2012, HMIC carried out fieldwork as part of an inspection on how police forces performed in their work to prevent online child sexual exploitation – facilitated and enabled by the internet. This fieldwork identified opportunities to undertake coordinated law enforcement activity to apprehend offenders across England and Wales. As a result, operation Notarise was established as a large scale police operation between the National Crime Agency and the police service. So far 745 people have been arrested, 900 premises searched, and nearly 10,000 devices capable of storing indecent images of children have been seized. Over 500 children have been identified and safeguarded as a result of this activity.

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<sup>1</sup> *State of Policing, The Annual Assessment of Policing in England and Wales 2013/2014*, HMIC, 2014, page 22.

HMIC therefore agreed to postpone further inspection activity so as not to jeopardise current operations. We have now completed our inspection and this report sets out our findings, drawing from our earlier fieldwork and from additional inspection activity that took place in 2014.

We found that senior police leaders are committed to protecting children but there is a gap between the stated force priority and the reality of practice on the ground. Despite the commitment and dedication of many officers and staff, we found that the police response to children who have been the victims of online sexual exploitation requires improvement.

In cases where the police were dealing with an identified child or specific offender, opportunities to investigate further offences or identify risks to other victims arising in the same case, were not always followed up.

All the forces that we inspected experienced varying delays in investigations. High-tech crime units undertaking forensic work in forces experienced backlogs in the analysis of media devices such as mobile phones and computers. It was not uncommon to see delays of up to 12 months. We also found that offenders who are potentially a risk to children are released on bail from police stations for prolonged periods of time pending the results of analysis. These delays increase the risk to children.

The requirement to obtain evidence from a range of media devices is not new, and the demand is likely to increase further. It is, therefore, vitally important that the police service reduces delays and clears existing backlogs.

We found examples where the police administered cautions to offenders for online child sexual exploitation. This is a cause for concern, particularly in the absence of effective supervision and scrutiny arrangements within the force.

The forces we inspected made a considerable effort to provide advice and guidance on internet safety, primarily aimed at parents and carers through community engagement activity. However, more could be done to warn children about the consequences of risky online behaviour by communicating these messages using the same websites and social media channels that are used by children.

We also found some examples of good practice where officers responded promptly, secured evidence in a manner which was sensitive to the needs of the child concerned, safeguarded that child, and sought to identify and safeguard other children at risk. The investigations were well supervised and delays were kept to a minimum. Children and families were kept informed and decisions were made in the best interests of the child.

Dealing with child sexual exploitation in a virtual world requires a different style of policing from the conventional methods of the past. Forces need to understand the nature and potential scale of the online exploitation of children to ensure that more is done to protect them from harm and bring perpetrators to justice. New approaches must now be considered to reflect this contemporary demand on policing services if there is to be a step-change in practice on the frontline.

# 1. Setting the context

“...we believe that, in the area of child protection, if even one child becomes a victim of sexual abuse because of a single failure of a single individual to do what is now required of them, the system has let down that child. The pursuit of nothing less than excellence in policy and delivery should be the goal of all those engaged in child protection: every single child deserves nothing less.”

(*"Mistakes were made"*, HMIC, March 2013, paragraph 13.17)

- 1.1. Child sexual exploitation in England and Wales is extensive and often hidden. Despite this, in 2014 there were over 28,000 recorded sexual offences against children.<sup>2</sup> Research by the National Society for the Prevention of Cruelty to Children (NSPCC) suggests that these figures are the tip of the iceberg.<sup>3</sup>
- 1.2. There have been a number of reports in the past aimed at securing improvements in the way children are treated. HMIC's review into allegations and intelligence material about Jimmy Savile between 1964 and 2012, *"Mistakes were made"*,<sup>4</sup> found that some agencies, particularly in the justice system, had not reflected sufficiently upon what safeguarding meant for their work. Policy commitments to safeguarding children were not always part of day-to-day practice on the frontline of every service. HMIC found that there had only been limited progress in improving the experience of young victims and witnesses in the criminal justice system.
- 1.3. As recently as February 2015, the Office of the Children's Commissioner (OCC) published a report about the progress made in tackling child sexual exploitation by gangs and groups. It found that: 'There are still too many places where those who have responsibility for the protection of children are failing to face up to the realities of child sexual exploitation. In other areas, while strategic leaders are committed and determined, the messages have not

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<sup>2</sup> Police recorded crime as submitted to the Home Office as part of routine data returns; for more information on police recorded crime please see the Office for National Statistics.

<sup>3</sup> Figures published by the National Society for the Prevention of Cruelty to Children (NSPCC) found that more than 486,000 of our children were the victims of sexual abuse in 2011: "0.6 per cent of under 11s and 9.4% of 11-17s had experienced sexual abuse including non-contact offences in the past year": *Child abuse and neglect in the UK today*, NSPCC, September 2011, Executive Summary, page 9. These percentages have been used in conjunction with the census data for the number of children in England and Wales in 2011: *2011 Census – Population and Household Estimate for England and Wales*, March 2011, Office for National Statistics, 16 July 2012, page 12.

<sup>4</sup> *"Mistakes were made": HMIC's review into allegations and intelligence material concerning Jimmy Savile between 1964 and 2012*, HMIC, March 2013, paragraph 13.12.

filtered to the frontline so good intentions are not yet leading to better practice.<sup>5</sup>

- 1.4. The internet has created an environment where criminals feel safer to conduct criminal activity and where victims, particularly the young, are more accessible because they believe that their activities are taking place under a cloak of anonymity. It is essential to consider how the police service is rising to the challenge of protecting and safeguarding children who have been, or are being exploited through their activities online.

## Children living in an online world

- 1.5. The power of the internet, its accessibility and its ease of use has transformed the way in which all of us behave. Children have never known a world without the web, with its instant access to their friends, family, music, games, videos and chat. They can search for any information they want using powerful search engines, useful for their homework, but, unsupervised, open to abuse.
- 1.6. In October 2013, it was reported that 91 percent of children aged five to 15 years old lived in a household with access to the internet.<sup>6</sup> In addition, that report stated that children aged from five to seven spent an average of 6.7 hours each week online; children aged from eight to 11 spent 9.2 hours; and children aged from 12 to 15 spent 17 hours each week online.<sup>7</sup> Children's use of tablet computers in all age ranges has more than doubled since 2012.<sup>8</sup> Indeed, the 2013 report highlights the fact that 51 percent of children aged from three to four years have access to such technology.<sup>9</sup>
- 1.7. It is now commonplace for children to have internet access in their own bedrooms using a laptop computer, mobile phone, tablet or games console.<sup>10</sup> This enables them to search the web to find information they would previously have sought from their parents, guardians or carers. Many children consider email old-fashioned. Children communicate with their friends online through social networks such as BlackBerry Messenger, Snapchat, Instagram, Twitter

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<sup>5</sup> 'If it's not better, it's not the end'. Inquiry into Child Sexual Exploitation in Gangs and Groups: One year on, Office of the Children's Commissioner, page 5.

<sup>6</sup> *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2013, page 22, figure 2.

<sup>7</sup> *Ibid.* page 31.

<sup>8</sup> Overall, 51% of children ages between 5-15 years have access to a tablet computer. *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2013, page 22, figure 1.

<sup>9</sup> *Ibid.* page 22, figure 1.

<sup>10</sup> *Ibid.* page 31, figure 10. Research found that 4% of children aged 5-7, 15% of children aged 8-11 and 38% of children aged 12-15 access the internet in their bedroom.

and Facebook. They watch and post videos on YouTube and video talk to their friends on Facetime and Skype. They download 'apps' like WhatsApp, KIK, Tumblr and Pheed and use them as an easy and fast way to communicate online. Children can post content which includes photos, music, and videos so this is displayed in a continuous feed to anyone who "follows" them.

- 1.8. Used lawfully, the internet provides a means for families and friends, located anywhere in the world, to keep in touch, it enables businesses to develop and grow in a global environment, it enhances access to learning, research and new ideas, access to an unlimited range of online shops and to goods that would otherwise be hard to buy, and it means that many people may lead independent lives by, for example, shopping online for food. There is, however, a darker side to the web where criminals operate and exploit children sharing information and indecent images with each other.
- 1.9. In January 2015, as part of its Share Aware<sup>11</sup> campaign, the NSPCC launched an animated film called 'Alex's Willy'. The video involves one child taking a picture of another child's penis and sending it via Snapchat<sup>12</sup> to a third friend who captures it by a screen grab and sends it to others. There is no malice in their exchange and all three children think it is funny. They are not aware that sharing indecent images on the internet is illegal. The picture goes viral and very soon Alex is being bullied at school. The storyline in the video turns darker as Alex is contacted by a man he has never met. The video reminds children and parents that sharing nude photos online can have dangerous consequences.
- 1.10. It is easy for anyone to assume a different identity or be anonymous on the web. It is harder for an average person to verify the identity of the person they are emailing or messaging online. In the context of child sexual exploitation, this can be dangerous. The instant communication between family and friends is very convenient but it is also the means by which a would-be abuser can contact a child anonymously.
- 1.11. If children are unconcerned about their privacy online they may share their private username on public social networking sites. Once someone knows their username and if privacy settings are not used, anyone can send them a message.

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<sup>11</sup> The Share Aware campaign is aimed at helping children and parents stay safe online. [www.nspcc.org.uk/preventing-abuse/keeping-children-safe/share-aware/](http://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/share-aware/)

<sup>12</sup> Snapchat is a text-, photo- and video-messaging app that is used to send messages that will disappear one to ten seconds after they are received.

- 1.12. Children aged from 12 to 15 have on average 272 “friends” on their social networking sites, 29 percent of whom they have never met.<sup>13</sup> Additionally, 33 percent of children aged from 12 to 15 use their social networking sites to communicate with people whom they do not directly know.<sup>14</sup>
- 1.13. It is difficult to assess the extent to which such liaisons are formed, cultivated and then abused. Even where the child is a willing participant at the first encounter, such online behaviour would still be classified as an offence under the Sexual Offences Act 2003. Online anonymity and distance from a potential abuser provide a false sense of security. Such risky behaviour can take place on a frequent and regular basis without coming to the attention of any person in a position to do something about it.
- 1.14. Increasingly, research is demonstrating the impact that behaviours in the virtual world have on the children in the real world. ChildLine has seen the number of children who contact them about online sexual abuse double in the past year.<sup>15</sup>
- 1.15. Recently published reports also raise concerns about the impact online bullying,<sup>16</sup> exposure to images of self harm,<sup>17</sup> and the increasing accessibility of online pornography, has on children today.
- 1.16. An NSPCC assessment of the effect that access and exposure to pornography has on children and young people was published in May 2013.<sup>18</sup> The report found that:

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<sup>13</sup> *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2012, page 91, with a breakdown by gender available on page 92, figure 62. A low base size precluded an analysis of the figures for children aged 8–11 years, but in Ofcom’s 2012 equivalent report, it indicated that on average children in this age bracket had 92 “friends” on their social networking sites, 12% of whom they had not met:.

<sup>14</sup> *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2012, figure 64. In Ofcom’s 2012 equivalent report, it indicated that 25% of children ages between 8–11 years used their social networking sites to communicate with people whom they did not directly know: *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2012, page 95, figure 73.

<sup>15</sup> ChildLine has seen a 168 percent increase in counselling related to online sexual abuse. *Under pressure; ChildLine Review – What’s affected children in April 2013 - March 2014*, page 4.

<sup>16</sup> Article published in The Times on 1 February 2014. Available from [www.thetimes.co.uk/tto/technology/internet/article3992414.ece](http://www.thetimes.co.uk/tto/technology/internet/article3992414.ece)

<sup>17</sup> Poll commissioned by ChildLine, Youthnet, selfharmUK and YoungMinds. Available from [www.nspcc.org.uk/fighting-for-childhood/news-opinion/self-harm-images-being-shared-online-children-young-people/](http://www.nspcc.org.uk/fighting-for-childhood/news-opinion/self-harm-images-being-shared-online-children-young-people/)

<sup>18</sup> ["Basically... porn is everywhere" - A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People](#) was commissioned by the NSPCC and the Office of Children’s Commissioner for England. Available from

- children and young people's exposure and access to pornography occurs both on and offline, but in recent years the most common method of access is via internet enabled technology;
- a significant number of children access pornography;
- it influences their attitudes towards relationships and sex;
- it is linked to risky behaviour such as 'sexting'<sup>19</sup>; and
- there is a correlation between holding violent attitudes and accessing more violent media.

1.17. In April 2015, the NSPCC published the results of an online survey of 2,000 young people aged 12 to 17 which asked them questions about how often they watched pornography and how it made them feel. The poll found one in ten 12 to 13-year-olds worried about having an addiction to online pornography. One boy aged between 12 and 14 was quoted as saying: "I didn't think it was affecting me at first but I've started to view girls differently and it's making me worried".<sup>20</sup>

1.18. In February 2015, Bristol University published the findings of research undertaken between 2013 and 2015 which found that teenagers accepted the swapping of sexual images and texts as a way of life. It showed 44 percent of 13 to 17-year-old British girls had sent a pornographic photo of themselves, far more than their peers in four other countries in the study (Norway, Italy, Bulgaria and Cyprus).<sup>21</sup>

1.19. The extent to which children aged between 12 and 15 years old accept that they have engaged in what is described as "potentially risky online behaviour" is of concern. In 2013, nine percent said that they had added people with whom they had only had contact online to their list of friends; five percent said they had sent personal information, such as their full name, address or phone number to such people; and four percent admitted to having sent a photo or

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<http://5.198.140.47/publications/basicallyporn-everywhere-rapid-evidence-assessment-effects-access-and-exposure-0> A further study was commissioned in January 2015.

<sup>19</sup> Sexting is the act of sending sexually explicit photos, message, voicemails, videos, etc via phone computer, webcam or other device.

<sup>20</sup> NSPCC poll on online pornography. Available from [www.nspcc.org.uk/fighting-for-childhood/news-opinion/online-porn-evidence-impact-young-people/](http://www.nspcc.org.uk/fighting-for-childhood/news-opinion/online-porn-evidence-impact-young-people/)

<sup>21</sup> Research conducted by Bristol University. Available from [www.bristol.ac.uk/news/2015/february/stir-study.html](http://www.bristol.ac.uk/news/2015/february/stir-study.html)

video to such people.<sup>22</sup> These percentages were appreciably higher when the child was active on social networking sites.<sup>23</sup>

## **The real world threat**

- 1.20. Often the perpetrator's initial contact is made through an entirely legitimate internet chat room, usually free of charge and often set up to discuss common interests such as news, celebrities, films and hobbies. It is easy to understand how children can be tricked into believing they are communicating with genuine new friends with whom they share similar interests and in whom they can confide. However, they also provide a place to lurk for those people who wish to exploit children sexually. They wait for susceptible individuals who are seeking friendship and support to appear online. Children may then be lured into private chat rooms, where potentially illegal conversations take place and personal details are exchanged. This is often considered to be the preliminary stage of 'grooming', with a view to exploiting a child sexually at a later date.
- 1.21. Alongside the growth in internet chat rooms is the increasing use of webcams, which provide a means for those who wish to exploit children sexually to incite them into unlawful sexual behaviour; watch that behaviour take place, and, in all likelihood, to record for later use. The child may then be coerced into further unlawful acts (either online or in person), or be blackmailed into sending money to avoid the threat of having his or her images or video footage sent to others, or posted on social networking sites.
- 1.22. There is also evidence of abuse which is streamed live, and also of pay to order abuse where people with money can pay to witness the abuse of others who are living in poverty.

## **The dark web**

- 1.23. Internet users may not know that their online activities are just a small part of what is available to anyone who accesses the web. There is another more sinister part which is not familiar to most people.
- 1.24. Searching the internet using a publicly available search engine has been compared with dragging a net across the surface of the ocean: while a great deal may be caught in the net, all that is below the surface is missed. The part of the internet below the visible surface is described using a number of terms

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<sup>22</sup> *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2012, page 152, figure 117.

<sup>23</sup> *Ibid.* page 152.

such as deep web, dark web, undernet, or dark net. We have set out in the glossary section of this report a number of terms used in this area.

- 1.25. The dark net provides abusers with a means of distributing indecent images of children around the globe to those who share their interest. It has provided an opportunity for such offending to be undertaken more widely. It has made the job of the police service and other agencies responsible for safeguarding children more difficult.

## Nature and scale of offending

- 1.26. It is important to note that the volume of indecent images of children in circulation on the internet is not representative of the number of offenders. One offender was found to have a collection of over 2.5 million indecent images of children; others may only have a collection of tens or hundreds of these images.<sup>24</sup>
- 1.27. However, from the public's point of view, we consider it important to highlight the sheer volume of indecent images of children that exist in England and Wales. The former Child Exploitation Online Protection (CEOP) centre, and subsequently, the National Crime Agency – CEOP, coordinate the national intelligence picture in respect of child sexual exploitation and abuse. It is stated that “[t]oday, the number of unique [indecent images of children] in circulation on the internet runs into millions”.<sup>25</sup>
- 1.28. The former CEOP centre estimated that there were around 50,000 individuals in the United Kingdom involved in downloading and sharing indecent images of children during 2012.<sup>26</sup>
- 1.29. The Internet Watch Foundation (IWF) released figures in April 2015 warning of the increasing commercialisation of online child abuse images. It identified that the number of child pornography web pages more than doubled within the past year. The IWF said the number of web pages found with images of child sexual abuse increased to more than 31,000 compared with just 13,000 in 2013. Around 89 percent of the British-based web pages removed contained images of children aged ten or under.<sup>27</sup>

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<sup>24</sup> A Picture of Abuse – A thematic assessment of the risk of contact child sexual abuse posed by those who possess indecent images of children, CEOP, June 2012, paragraph 2.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Threat Assessment of Child Sexual Exploitation and Abuse*, CEOP, June 2013, page 8.

<sup>27</sup> *Annual Report 2014*, Internet Watch Foundation. Available from [www.iwf.org.uk/assets/media/annual-reports/IWF\\_Annual\\_Report\\_14\\_web.pdf](http://www.iwf.org.uk/assets/media/annual-reports/IWF_Annual_Report_14_web.pdf) The increase in web pages containing indecent images of children identified by the IWF may in part be due to the ability to

- 1.30. Estimates can vary widely. This is because of the substantial number of databases across the world which seek to identify, log and tag indecent images of children. These images are drawn from a variety of sources, some from the surface of the internet, some from attachments to e-mails, some from file sharing sites, some from the dark internet. The principal databases are managed by Interpol,<sup>28</sup> the National Centre (sic) for missing and exploited children<sup>29</sup>, NCA-CEOP<sup>30</sup>, the new UK Child Abuse Image Database (CAID)<sup>31</sup> and a substantial number of databases in the United States of America. As far as we are aware, these databases are not able to exchange data between themselves. There is not a single worldwide or national database which contains information about all the known indecent images of children. As a result, any number that purports to identify the known indecent images of children is entirely dependent on the databases that have been searched.
- 1.31. It is important to consider that many images known to the police are likely to be duplicates. Also, many individuals who make indecent images of children do not go on to share them.
- 1.32. It is also important to note there is a distinction between offences relating to taking, processing and distributing indecent images of children and online grooming which involves direct contact with the child. CEOP research (which looked at the prevalence rates of contact sexual offending within offender samples) in relation to indecent images of children, established a correlation of 55 percent.<sup>32</sup> Although the accuracy of this figure is contested, what is not contested is that an appreciable number of those who commit contact offences were also found in possession of indecent images of children.
- 1.33. The former CEOP centre summarised the position as follows:

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search for indecent images of children rather than rely on public reporting before removing a page. Only 0.3% of the online sexual abuse content dealt with by the IWF is hosted in the UK.

<sup>28</sup> ICPO-INTERPOL is an international organisation with 190 member countries, the vision of which is “[c]onnecting police for a safer world” and the Mission of which is “[p]reventing and fighting crime through enhanced cooperation on police matters”.

<sup>29</sup> For further information, see <http://missingkids.co.uk/>

<sup>30</sup> Serious and Organised Crime Strategy, October 2013, para 4.32. Available from [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/248645/Serious\\_and\\_Organised\\_Crime\\_Strategy.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/248645/Serious_and_Organised_Crime_Strategy.pdf)

<sup>31</sup> In July 2013, the Prime Minister announced his intention to introduce a secure national child abuse image database to support the work of police forces to deal with the millions of images in circulation. The Child Abuse Image Database (CAID) became operational in December 2014.

<sup>32</sup> *A Picture of Abuse: A thematic assessment of the risk of contact child sexual abuse posed by those who possess indecent images of children*, 2012, CEOP, paragraph 20. Available from [www.ceop.police.uk/Documents/ceopdocs/CEOP%20IOCTA%20Executive%20Summary.pdf](http://www.ceop.police.uk/Documents/ceopdocs/CEOP%20IOCTA%20Executive%20Summary.pdf)

“[w]hilst the motivation and risk of contact offending will inevitably vary for each offender, key themes emerge from academic research:

- There is a clear correlation between [indecent imagery of children] offending and contact sexual offending against children although causation cannot be established;
- Anyone who possesses [indecent imagery of children] poses a risk of committing contact sexual offences against children[.]”The risk each offender poses needs to be assessed on an individual basis using appropriate risk assessment models backed by professional judgement.”<sup>33</sup>

1.34. As previously mentioned the volume of indecent images of children presents very real challenges for law enforcement agencies. We recognise that indecent images vary in their seriousness. Information on how images are categorised can be found in Annex C.

## Keeping them safe

- 1.35. As it has become easy to access the internet via portable laptops, tablets, games consoles and mobile phones children are no longer restricted to accessing the internet through a shared family desktop computer. This makes the task of parents and guardians who are overseeing their internet use increasingly difficult.
- 1.36. Children routinely access the internet: 11 percent of children aged five to seven access the internet when alone, as do 24 percent of children aged eight to eleven, and 52 percent of those aged twelve to fifteen.<sup>34</sup> A child on his or her own is able to start or respond to a conversation with almost anyone in the world immediately, potentially creating a relationship with a stranger.
- 1.37. Of those children aged five to seven years old who have unsupervised access to the internet, one percent has an active profile on a social networking site; this figure rises to 18 percent of children aged eight to 11 years old, and to 67 percent of children aged 12 to 15 years old.<sup>35</sup>
- 1.38. Many children are also able to find a way around any curbs which have been put in place to restrict or limit their access to the internet. Eighteen percent of children aged between 12 and 15 said that they knew how to disable online filters or controls to stop certain websites being visited; 6 percent said that

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<sup>33</sup> *Ibid*, paragraph 23.

<sup>34</sup> *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2012, page 47, figure 26.

<sup>35</sup> *Ibid*. page 85, figure 55.

they had done so within the preceding 12 months. Also, they said they knew how to conceal their activities online: 42 percent of children aged twelve to fifteen said that they knew how to delete their online history, and 19 percent said that they had done so within the preceding 12 months.<sup>36</sup> Yet 83 percent of parents say that they trust their child to use the internet safely<sup>37</sup> and only 16 percent express concerns about the internet's content.<sup>38</sup>

- 1.39. Generally speaking, children are more familiar with the workings of the internet and modern technology than their parents, as they have been brought up with it. It is now often the children who are more savvy about using and setting up electronic devices in the home than their parents.<sup>39</sup>
- 1.40. To those with criminal intent, such a gulf provides an easy way of shielding their behaviour from enquiring minds and this, in turn, may lead to offending.
- 1.41. The NCA<sup>40</sup> and the 43 police forces in England and Wales are responsible for investigating offences relating to child sexual exploitation. In March 2015, we published an inspection of the NCA<sup>41</sup>. This inspection found that Operation Notarise had demonstrated what can be achieved when the NCA and police forces work together. The ability of the NCA to co-ordinate the effort of police forces across the country to target sexual offenders, and bring justice to the most vulnerable members of society was encouraging.

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<sup>36</sup> *Ibid.* page 153, figure 118, although these figures are appreciably lower than in 2012.

<sup>37</sup> *Ibid.* page 122, figure 88.

<sup>38</sup> *Ibid.* page 117, figure 83.

<sup>39</sup> When the statement: "my child knows more about the internet than I do" was put to a number of parents, 47% agreed: *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2012, page 124, figure 90.

<sup>40</sup> The NCA became operational in October 2013.

<sup>41</sup> *An inspection of the National Crime Agency*, HMIC, March 2015. Available at [www.justiceinspectors.gov.uk/hmic/publication/an-inspection-of-the-national-crime-agency/](http://www.justiceinspectors.gov.uk/hmic/publication/an-inspection-of-the-national-crime-agency/)

## 2. The police role in child protection

- 2.1. Under the Children Act 1989, the police service, working with partner agencies such as local authority children's social care services, health services and education services, is responsible for making enquiries to safeguard and secure the welfare of any child within their area who is suffering (or is likely to suffer) significant harm.<sup>42</sup> The police have a duty to refer to the local authority those children in need whom they discover in the course of their work.<sup>43</sup> Government guidance<sup>44</sup> outlines how these duties and responsibilities should be exercised.
- 2.2. The specified police roles set out in the guidance relate to:
- the identification of children who might be at risk from abuse and neglect;
  - the investigation of alleged offences against children;
  - their work with other agencies, particularly the requirement to share information that is relevant to child protection issues; and
  - the exercise of emergency powers to protect children.
- 2.3. Every officer and member of police staff should understand their duty to protect children as part of their day-to-day work. It is essential that officers dealing with any policing matter recognise the needs of children they may encounter. This may be in their home, at school or on the street.
- 2.4. Protecting children is one of the most important tasks the police service undertakes. It is no less important whether the world of that child is a real world or a virtual world: there are risks to children in both.

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<sup>42</sup> Section 47 of the Children Act 1989.

<sup>43</sup> Section 17 of the Children Act 1989 places a general duty on the local authority to safeguard and promote the welfare of children in their area who are believed to be 'in need'. Police may find children who are 'in need' when they attend incidents and should refer these cases to the local authority. A child is 'in need' if he or she is disabled, unlikely to achieve or have the opportunity to achieve a reasonable standard of health or development, or if their health and development is likely to be impaired without local authority service provision.

<sup>44</sup> *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children*, HM Government, March 2013.

### 3. The inspection process

- 3.1. The former CEOP centre described the term online child sexual exploitation as: “a genre of internet offending which includes, but is not defined by, traditional notions of online grooming. In this context, online child sexual exploitation includes the much broader threat from online communication between an adult and a child for the purposes of sexual exploitation. Such conduct is sometimes referred to by the generic term of online ‘grooming’ which, whilst certainly an element of online child sexual exploitation, does not necessarily define it”.<sup>45</sup>
- 3.2. We recognise that the risks to children in the virtual world are wider than the CEOP description of online child sexual exploitation. As a result, our inspection also examined the much broader threat from online communication with a child for the purposes of sexual exploitation, for example:
- indecent images of children (IIOC);
  - risks associated with social networking;
  - self-generated indecent imagery (SGII); and
  - cyber-bullying.
- 3.3. We conducted fieldwork across six forces between October and December 2014. These forces were:
- Devon and Cornwall;
  - Kent;
  - Lancashire;
  - North Wales;
  - Northumbria; and
  - Staffordshire.

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<sup>45</sup> *Threat Assessment of Child Sexual Exploitation and Abuse*, Child Exploitation and Online Protection Centre (CEOP), June 2013. Available at [http://ceop.police.uk/Documents/ceopdocs/CEOP\\_TACSEA2013\\_240613%20FINAL.pdf](http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf)

- 3.4. The inspection focused on the child<sup>46</sup> and used a similar approach to that already in use in the HMIC National Child Protection Inspection which began in April 2014.<sup>47</sup>
- 3.5. The inspection team spent up to three days in each force and conducted interviews and focus groups with staff and reviewed relevant force documents.
- 3.6. Inspectors also conducted a number of case audits. We examined a minimum of 20 cases in each force, related but not limited to online child sexual exploitation. In total we examined 124 cases.
- 3.7. There is no one single offence of online child sexual exploitation. As a result, forces were asked to identify case files based on related offences recorded in the six months prior to the fieldwork. Inspectors then randomly selected cases for review on the basis of how the offence had been finalised by the force.
- 3.8. These included cases where the case recorded as:
  - open/on bail;
  - finalised due to evidential difficulties;
  - finalised and offender charged;
  - finalised and no further action; and
  - finalised with a restorative justice outcome or other out of court disposal.
- 3.9. Our findings from the fieldwork are presented in three parts. These are:
  - the experiences, progress and outcomes for children who need help and protection;
  - leadership, management and governance; and
  - the effectiveness of the police response.

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<sup>46</sup> *Online Child Sexual Exploitation (CSE) Inspection*, HMIC, Assessment Criteria. Available from [www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/cse-assessment-criteria.pdf](http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/cse-assessment-criteria.pdf)

<sup>47</sup> National Child Protection Inspection. Rolling programme of inspections into forces in England and Wales. Available from [www.justiceinspectorates.gov.uk/hmic/our-work/child-abuse-and-child-protection-issues/national-child-protection-inspection/](http://www.justiceinspectorates.gov.uk/hmic/our-work/child-abuse-and-child-protection-issues/national-child-protection-inspection/)

## 4. The experiences, progress and outcomes for children who need help and protection

### Initial contact

- 4.1. During inspection visits to the six forces, HMIC found that initial contact with children and safeguarding practice were often good. This was particularly apparent when the online world encroached into the traditional world of the child and their family. Out of 119 cases,<sup>48</sup> inspectors considered the initial police response was good or adequate in 78 percent of cases.
- 4.2. For example, the mother of a 13-year-old girl found indecent images of the girl and indecent images of a man's penis on her phone. The uniformed officers who undertook the home visit had already sought advice from specialist child protection officers. The officers seized the phone, took immediate action to identify the boy – a 17-year-old known to the girl. After seizing his phone, the officers offered suitable advice to both children and their families.
- 4.3. In another example, a woman discovered disturbing messages on a laptop between her husband and an unknown man, proposing to share indecent images of their daughters aged eight and two. They had also discussed possible sexual activity with the girls. The officers who attended took immediate action to safeguard the children by arresting the father and seeking to identify the unknown man.
- 4.4. There was strong and consistent evidence across all the forces that we inspected that the majority of specialist staff were highly motivated, well-trained and keen to provide a good service to victims and the public. There was evidence of good, individual examples of specialist police officers effectively combining investigative and safeguarding approaches to protect children. For example, one case involved a referral from CEOP of the distribution of indecent images of children. The police determined that the suspects were a husband and wife living overseas and notified the UK Border Force. Upon their return to the UK, the police arrested the suspects at an address in the UK, where they were taking care of a young family member. The detective in the case made contact with children's social care services and the detective sergeant held an early discussion about the approach to the case with the duty social worker. The offender later admitted the offences and his partner denied any knowledge of the activity online. The offender was charged with multiple offences relating to indecent images of children. When the offender was released, suitable bail conditions were put in place to

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<sup>48</sup> HMIC examined 124 cases across the six forces inspected. Due to technical issues we were unable to include 5 of these cases in this analysis.

safeguard the child while the investigation proceeded. The parents were advised that the offender had been charged and the child was protected.

## Assessment and help

- 4.5. Inspectors found that the assessment and help provided to children and their families varied in quality. Out of 119 cases, inspectors considered that the assessment and help provided was good or adequate in 61 percent of cases.
- 4.6. Publicly available research on the internet allows officers to make initial enquiries to assess the circumstances of a case. For example, officers can check Facebook, Twitter and other social networks and websites for information about the online profile of a child or suspect. At the time of the inspection, Staffordshire Police had trained more than 250 officers to conduct this type of research. Many officers considered this to be a useful way of investigating cases. However, the force had not evaluated how often this approach was being used, who was using it and whether it was improving the service being provided to children. Not all specialist child abuse investigation staff (CAIT) had received the training and there were no immediate plans for any further staff to be trained.
- 4.7. The rise of the mobile phone means there is now a huge amount of potential evidence available to the police from any suspect.<sup>49</sup> On many occasions, relevant evidence and information for online child sexual exploitation investigations may be held on mobile phones. This information may include indecent images and sexualised chat between children and adult offenders, using a range of social media sites, such as Facebook and Blackberry Messenger.
- 4.8. However, extracting this data can be problematic. To extract data, forces need to have the available forensic mobile equipment that allows them to assess quickly the nature and scale of offences. This approach enables officers to distinguish more serious from less serious offending, and accord priority to subsequent inquiries and safeguarding activity: often referred to as 'triage' capacity.
- 4.9. This 'triage' may involve the use of a standalone device to extract data from mobile phones – including images, videos, text messages and phone books. We found such technology was available for use by frontline officers in three of the six forces we inspected – North Wales, Northumbria and Kent forces. At the time of the inspection North Wales Police had used this technology to

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<sup>49</sup> 35 million people have a smartphone in the UK. *Mobile Consumer 2014: The UK cut, Revolution and evolution*, Deloitte. Available from [www.deloitte.co.uk/mobileuk/](http://www.deloitte.co.uk/mobileuk/)

examine approximately a thousand mobile phones in the preceding 18 months.

- 4.10. Staffordshire Police did not have such a 'triage' device available for officers. The force had trained divisional crime scene investigators to conduct non-complex mobile phone examinations. However, officers and staff were not generally aware of this facility.

### **Recommendation 1**

We recommend that, within six months, forces ensure relevant officers have access to social media applications to facilitate initial enquiries about a child's online activity as a means of supporting and prioritising the early stages of investigations.

- 4.11. The source of the report or referral to the police often had a noticeable impact on the quality of the early assessment and help for the child and their family. We found that where the report to the police was due to a referral from CEOP, another force, or children's social care services, these cases tended to be allocated directly to specialist teams within the force. Such referrals also routinely included more detailed research and intelligence in relation to the offender. We found that in many of these cases the needs of the children were managed more effectively from the outset.
- 4.12. However, where the incident involved children other than the 'identified' child, wider opportunities to investigate were often not followed up or even considered, for example, where other victims were identified or named. This was the case for online child sexual exploitation cases allocated to both uniformed and specialist officers.
- 4.13. In one case, a woman reported to police that her daughter had sent indecent images of herself to men in both the UK and the USA. The initial police response was good. The girl told police that she had sexual intercourse with her boyfriend at the age of 12 and confirmed she had sent indecent photos to him. Her boyfriend was identified and arrested by police. A second man, who was alleged to be in possession of the photos of the girl, was named in the police record. There was no evidence that the second man was ever interviewed or that his computer was seized. Appropriate referrals and safeguarding arrangements were put in place for the girl, but there was no record of action in relation to other potential offenders and victims.

### **Recommendation 2**

We recommend, that within nine months, forces review the management of online child exploitation investigations with a view to identifying wider safeguarding opportunities, and implementing any changes of practice that are necessary.

4.14. It was encouraging to note that a great deal of effort was made by the forces and their partners to provide advice and guidance to the public on internet safety. Although much of this work is provided in a traditional way, often face-to-face rather than online, it is nonetheless important. At the time of the inspection:

- Staffordshire Police had provided multi-agency training on child sexual exploitation to 300 practitioners – including online child sexual exploitation and e-safety training for schools;
- In Torbay, Devon and Cornwall Police had provided part of the training to 400 young people to heighten awareness of cyber-bullying and ‘sexting’ as part of Operation Mansfield;
- Kent Police in partnership with the local authority supports the STATUS campaign (Stay Safe And Tell Us) – a website which promotes safe socialising and provides information on how to combat bullying aimed at 11 to 16-year-olds;
- Lancashire Constabulary had hosted a ‘week of action’ for schoolchildren;
- Staffordshire Police and Northumbria Police sponsored ‘Chelsea’s choice’ – a play about a 12-year-old girl aimed at promoting safe internet use and identifying risky behaviour and raising awareness of child sexual exploitation, grooming and the forms it may take; and
- North Wales Police had worked with the Welsh Rugby Union to raise awareness of online child sexual exploitation with the public.

## **Investigation**

4.15. Inspectors found that the quality of the police investigations was varied. Out of 119 cases, inspectors considered that only 55 percent involved good or adequate investigations.

4.16. In all the forces we inspected, delays in investigation due to backlogs within high-tech crime units (HTCUs) were a consistent theme. There were numerous examples of backlogs of work; many of these were in excess of six months and it was not unusual to find delays of up to twelve months. We found cases where NCA funding was provided under the aegis of operation Notarise for the provision of forensic analysis of media devices by an outsourced company in order to expedite the results. Even in these cases, examinations were routinely taking more than three months to complete.

- 4.17. At the time of this inspection, HMIC has published eight National Child Protection Inspections. These inspections have also identified delays to investigations due to backlogs in the HTCUs.
- 4.18. We recognise the difficulties that those managing HTCUs face. One investigation may lead to the seizure of a number of internet-enabled and storage devices, all of which may house incriminating evidence against a suspect. Many may be the repository for hundreds or thousands of indecent images of children. Faced with such devices, it can be difficult to know which ones to prioritise and how to prioritise them. Some assistance may come from the enquiries which the investigators have pursued, or the suspect may cooperate with the police in identifying which devices are likely to prove of greater evidential value.
- 4.19. The evidence available across a multitude of media devices is no longer a new phenomenon. In the 21st century the demand is likely to continue to increase rather than diminish. In an age of continuing and challenging austerity, the police service must deal with the demand in a way which is proportionate to investigations and in the best interests of children.
- 4.20. The way each HTCUs operates to prioritise and allocate work varies considerably. One force had a single point of entry for all submissions for forensic analysis to the HTCUs. The 'gatekeeper' prioritised each case according to the seriousness of the allegation. As a result, however, straightforward low priority cases requiring minimum forensic intervention took prolonged periods of time to make any progress, thus contributing to the scale of the backlog we identified in this inspection.

### **Recommendation 3**

We recommend, that within six months, the national policing lead provides guidance on the management of digital forensic analysis so that cases are prioritised effectively and in accordance with the risks that pertain to the children involved.

- 4.21. One of the forces inspected by HMIC allocated points to a case to determine the level of priority and therefore its place in the queue. Inspectors were advised that when a case had been in the queue some time, it was allocated a further five points each month – increasing its priority level – until it was eventually examined and dealt with. This ensured that no case was perpetually at the end of the queue. This system had some benefits but did not eradicate the accumulation of backlogs. At the time of the inspection, only one force was found to be managing the demand on its HTCUs within internally set timescales.

- 4.22. Other than in high profile cases, prioritising the analysis of media devices was primarily based on the date on which the case entered the queue. In one force, if officers wanted to progress an investigation more quickly, they could make representations to line managers for the priority level to be reconsidered. On occasions, that had resulted in overtime payments for HCTU staff in order to expedite the enquiry.
- 4.23. We found a number of cases demonstrating the impact on an investigation if an officer was less proactive and poorly supervised.
- 4.24. For example, one case involved a woman who alleged that her partner had indecent images of children on his computer following his arrest for a domestic assault in March 2011. In interview, he admitted the assault but he denied having indecent images of children on his computer. His computer was seized by police at the time. In January 2014, nearly three years later, the results from an examination of the computer confirmed that the images were indecent images of children. By this time, however, the suspect was believed to be in the Czech Republic. This is the point at which a crime is recorded by the police. Thereafter, a detective sergeant gave an instruction to the officer in the case to notify Interpol that the suspect may be at large in Europe. We found no evidence of supervision in this matter throughout the period of the preceding three years.
- 4.25. Another case involved a registered sex offender who fled to Spain to avoid prosecution. In October 2012, following the execution of a search warrant, computers were seized from his home address and submitted to the HCTU for examination. In November 2012, he was listed as wanted on the police national computer and Spanish police were informed. In September 2013, further offences were identified and recorded by the police. Two months later, in December 2013, a supervisor instructed the officer to complete a file of evidence. In January 2014, the officer in the case recorded that he was too busy to comply with the instruction. There are two further entries from supervisors, in June and August 2014, instructing the officer in the case to complete the file. There is no record of any action to address the officer's failure to comply with instructions and, at the time of the inspection, the work had not been completed.
- 4.26. During the inspection HMIC found examples of good inter-agency co-operation to protect and provide support to children and their families. In these cases, there was evidence of proportionate investigation, appropriate supervision, multi-agency working and wider safeguarding activity. The best interests of all children were considered throughout the lifetime of the case.
- 4.27. For example, a woman discovered that her 13-year-old granddaughter had been involved with a 15-year-old boy from her school and they had

exchanged indecent images of themselves via their mobile phones. The boy forwarded the images to another 13-year-old girl, who then posted them on Facebook. The police made appropriate referrals to children's social care services and the children were interviewed. The mobile phones were examined by the HTCUC and the results were received four months later. A caution was agreed for both children in respect of malicious communications rather than a sexual offence. The caution included measures to address the behaviour and an apology to the victim.

- 4.28. In another case, in December 2013, a teacher at a school found a 14-year-old child in possession of a video of him engaged in a sex act with another child. The boy was arrested and interviewed by police and social workers. In the interview, the boy admitted offences against a seven-year-old boy in the video. He also admitted to sexual acts with the other child's nine-year-old brother, viewing indecent images of children, and sexualised behaviour when he was younger. During this period, the 14-year-old boy's mother struggled to cope with the multiple allegations against her son. There was regular contact between the police, children's social care services and the Crown Prosecution Service. Efforts were made throughout the investigation to deal with the offences themselves in a thorough and robust manner while ensuring that the outcome for the child was in his best interests.
- 4.29. Inspectors also found some examples of good investigations that were well supervised throughout.
- 4.30. In one case, the father of a 14-year-old girl discovered a 41-year-old man had been sending inappropriate texts to his daughter. The father knew the man and went to his local police station to make a report as he was concerned that his daughter was being groomed. A specialist police officer made contact with them on the same day and the phones of both the girl and the suspect were seized straight away. There was evidence of prompt and appropriate input by the police supervisor and early investigation plans. The suspect was arrested and interviewed the following day. There was early and continuing contact with children's social care services, bail conditions were put in place to safeguard the girl through the course of the investigation, and there were regular supervisory reviews of the case.
- 4.31. However, some cases lacked evidence of even basic investigation plans. In one case the father of an 11-year-old girl discovered that she was being groomed online by an 18-year-old man. The officer who undertook the home visit did not seize the girl's computer. The officer was, however, able to identify the 18-year-old man. There was information that the man was linked to three other named 15-year-old girls (the description on Facebook was that he was 'married' to them) and he also had links to a sex offender. Four days later the man was invited to attend the police station for an interview. The

other potential victims were not traced. The on-duty inspector authorised a caution for a sexual offence but the rationale for the caution was not recorded. There was no record of a referral to children's social care services.

#### **Recommendation 4**

We recommend, that within nine months, forces review the management and supervision of online child sexual exploitation investigations to ensure that time delays are reduced and that safeguarding measures are identified, prioritised and dealt with in a timely fashion, and in the best interests of the child.

- 4.32. HMIC found that welfare policies for staff investigating online child sexual exploitation (including those staff who review and grade indecent images of children) varied across forces. Counselling sessions ranged from self-referrals to mandatory meetings every six or twelve months with professional support services. There were varying views from officers of the value of these 'chats'. The use of tenure for investigators, which was intended to limit an officer's exposure to horrific images of child sexual abuse, also varied across forces.<sup>50</sup> In three of the forces there was no tenure policy in place.
- 4.33. However, we are aware of recent research from Australia which examined the physical, social and psychological impacts on investigators of Internet Child Exploitation (ICE). The study found that there were few differences in reported levels of work-related stress between ICE investigators and non-ICE police, between current ICE investigators, incoming ICE investigators and former ICE investigators, and between novice and experienced ICE investigators. In addition, the investigator's gender, age and family status were poor predictors of adjustment.<sup>51</sup>
- 4.34. The report also found that investigators who were the most resilient tended to enjoy and to be committed to their work. They reflected on, and shared their thoughts and feelings about their work with colleagues, and received support from family and friends.
- 4.35. The report concluded that despite the disturbing nature of their work, most ICE investigators involved in the study were coping well.<sup>52</sup> This suggests that the strict use of tenure – requiring experienced, committed and well-adjusted

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<sup>50</sup> Tenure refers to a defined period of time in which an officer may hold such a post.

<sup>51</sup> *Understanding and Managing the Occupational Health Impacts on Investigators of Internet Child Exploitation*, by Professor Richard Wortley et al, published in 2014 by.

<sup>52</sup> *Understanding and Managing the Occupational Health Impacts on Investigators of Internet Child Exploitation*, Professor Richard Wortley et al, Griffiths and Deakin University, Brisbane, Australia, 2014, page 3.

members of staff to transfer to other departments – may in fact be counter-productive.

### **Recommendation 5**

We recommend that, within three months, forces review tenure policies and succession planning in order to maintain and improve staff well-being.

### **Recommendation 6**

We recommend that, within six months, chief constables ensure that those staff involved in online child sexual exploitation investigations have a positive working environment and are properly supported through effective supervisory support and welfare management.

## **Quality of decision-making**

- 4.36. Inspectors found that the quality of police decisions was varied and sometimes insufficiently robust. Out of 119 cases, inspectors considered that 63 percent involved good or adequate decision-making as the case progressed.
- 4.37. HMIC found that too many enquiries are conducted as a single agency investigation, where a multi-agency response should have been considered. We saw a number of cases where the decision to conduct a single agency investigation was made with limited police involvement.
- 4.38. One case involved a 13-year-old girl who had taken photos of herself while naked and a video of herself masturbating. The girl had shared the images and video with other children at school. Children's social care services referred the matter to the police and the police agreed that children's social care services would conduct a single agency investigation. The referral from children's social care services stated that the girl was engaging in 'risky' behaviour but she did not recognise the risk to herself. The girl told her mother that she had sex with 'a lad' the week before. There was no record that a police officer ever spoke to the girl. There is no record of the 'lad' being identified or consideration given to whether the girl had been 'groomed' by him or another to take and distribute the indecent images of her. Similarly, the recipients of the photos and video are not identified. There was no evidence of an update from children's social care services.
- 4.39. Inspectors saw many cases where officers reviewed the information that was available from existing and accessible systems. However, in the absence of effective 'flagging' processes in place to identify children at risk of online child sexual exploitation, officers are dealing with situations without a full understanding of the circumstances relating to that child.

- 4.40. Inspectors found that existing IT systems often hamper the effective identification and response to cases of online child sexual exploitation. In one force, inspectors found that until December 2014, officers and staff could not identify online child sexual exploitation as there were no suitable markers to flag these cases on the IT systems used. In a second force, where a specific missing persons database is used, the warning markers or 'flags' are not used consistently across systems. This can create gaps in intelligence and may result in cases being dealt with in isolation.

### **Recommendation 7**

We recommend that, within nine months, forces ensure that those who are involved in, and supervise, online child sexual exploitation investigations are able to access relevant information as and when required, maximising the use of current and planned IT systems.

- 4.41. The inappropriate use of restorative justice and police cautions as alternatives to court was an issue of concern.<sup>53</sup>
- 4.42. A mother contacted the police concerned that her 11-year-old daughter was being groomed by someone who contacted her through the internet. The man used a false profile on Facebook. Nine months later, in April 2014, the suspect was identified as a 62-year-old man living in another force area. The investigation was passed onto the second force but no action was taken. In July 2014, the man's adult daughter found multiple indecent images of children, including self-generated indecent images on his phone. The man was arrested and admitted the possession of indecent images of children and was cautioned by police on the same day. There was no rationale for the caution. He was a council worker who routinely visits council tenants. There was no evidence of further investigation in relation to the images of other children on his phone or the ongoing risk he posed to children. The police did not seize his home computer. An investigation of his Facebook page was not pursued on the basis that his profile had been deleted.
- 4.43. A mother of a 13-year-old girl contacted police in July 2014 after discovering that a 20-year-old man a former neighbour, had sent indecent images of himself via 'snap chat' to her daughter and requested similar photos from her. The girl's mother knew the offender as they both worked with young children at a national cycling club. Another child was also targeted by the same man but there was no record of any action being taken. The man disposed of his phone prior to his arrest. During interview he admitted the offences. Records show that in 2012 he had been dealt with by way of a restorative justice

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<sup>53</sup> Restorative justice is a system of criminal justice which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.

disposal for similar offences. The officer and supervisor recorded that due to his admissions he was not a sexual predator, and a caution was administered.

- 4.44. We did, however, find evidence that some forces sought to avoid the inappropriate criminalisation of children by the use of alternative disposals to a court appearance.
- 4.45. In one case, the mother of a 13-year-old boy discovered that he had received self-generated indecent images of a 14-year-old girl from her Facebook account. The girl was encouraging him to send similar photos back to her. Initial police contact with the family was good and appropriate advice provided. Before the police arrived the photos had been deleted from the account. However, the police established that another boy, who was 14 years old, had used a false Facebook account to send the images of the girl to the 13-year-old in question. The boy admitted sending the images and apologised for what he described as a practical joke – the younger boy was a fellow pupil in his school. Parents of the children involved were consulted throughout the investigation and a community resolution was agreed.<sup>54</sup>
- 4.46. In another case, a teacher reported that a 15-year-old girl had sent self-generated indecent images via her phone to a 15-year-old in the boy's school. The same day, the phone was seized, the boy's mother was contacted, the girl was identified and a crime report was submitted. The girl was interviewed and admitted sending the photos to the boy as well as sending them to other friends. The police ensured that the school and the parents of both teenagers were kept updated and a restorative justice disposal was agreed. Although there was no evidence that police made contact with the other children who had received the photos, their efforts to ensure that these children were not criminalised was appropriate.
- 4.47. In one force, inspectors spoke to an officer who had used his body-worn video to record the text messages exchanged between two children on a mobile phone. He was able to assess the scale of the harassment, record the evidence available, and provide appropriate warnings to the children and advice to the families. His initiative avoided the criminalisation of children and stopped a mobile phone joining the backlog of other phones waiting months to be analysed.

## **Recommendation 8**

We recommend, that within three months, forces ensure that decisions to use out of court disposals in relation to online child sexual exploitation are systematically scrutinised with a view to improving practice and

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<sup>54</sup> Community resolutions are any action that is requested by the victim, which is agreed by the offender and is considered appropriate and proportionate by the law enforcement officer.

minimising the opportunities for the inappropriate administration of alternatives to criminal proceedings at court.

## **Management of those posing a risk to children**

- 4.48. The police have a significant role in monitoring sex offenders. This includes sex offenders who target children in the online world and make or distribute IIOC via the internet. Of 119 cases, inspectors considered that 64 percent provided a good or adequate response to managing offenders.
- 4.49. Most of the forces we inspected require alleged sex offenders who are bailed while the case against them is investigated, to have conditions in place to safeguard children. The extent to which this policy is strictly imposed upon offenders varied between forces. However, inspectors found that delays in HTCUs' affected the ability of staff to monitor the conditions imposed on bail effectively.
- 4.50. One case involved a man who had viewed indecent images of children for over four years on a pay-per-view website. In October 2013 the man's partner found indecent images of children on his laptop and informed the police. Officers investigated and seized several computers and a memory card from a video camera at the house. These were all submitted to the HTCUs for examination. Nearly one year later, the HTCUs reported that the memory card contained evidence of covert filming of his partner's daughter. At this point, he was arrested again and admitted secretly filming the girl over a six month period when she was 15 - four years earlier. After 13 months, the man was eventually charged; he had been on bail for over a year.
- 4.51. We also found examples of children who had sexually offended or exhibited sexually harmful behaviour.
- 4.52. We found one force where there was no policy or risk assessment tool designed to deal with such offending. In another force, the Kent Internet Risk Assessment Tool<sup>55</sup> (KIRAT) was in place; however the validity of KIRAT has only been tested with offenders over 18 years old. In some cases, we found a lack of awareness of the risk to children from other children.
- 4.53. One case involved a 15-year-old boy who had downloaded indecent images of children. The boy had no previous convictions and admitted the offence. The police engaged positively with the family. A referral was made to the Lucy

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<sup>55</sup> KIRAT is a risk assessment tool developed by Kent Police and now used by multiple police forces. It provides a level of justifiable decision making, based on its validity testing and a standardised approach to risk assessment.

Faithfull Foundation<sup>56</sup> and a community resolution was agreed. However, a three-year-old sister lived at the family home and no safeguarding arrangements were made for either the sibling or the 15 year old.

- 4.54. Another case involved a 15-year-old boy who told a friend that he had sex with a nine-year-old girl and took pictures which were on his computer. The boy was later interviewed by the police with his mother present. He denied making any such comment but voluntarily handed over his computer. Indecent images of children were found on his computer. His mother told police that she had previously found pornography on his computer but had not spoken to anyone. Children's social care services were contacted by police and as a result visited the family at home. As the case progressed, there was no further record of contact with children's social care services. The boy stated that he did not realise he had done anything wrong and was very remorseful. The boy was found to have attention deficit hyperactivity disorder and learning difficulties. He had not shared any of the indecent images. There is no record of any further consultation with children's social care services. The detective sergeant supervising the case recorded in the file that "... the youth is of previous good character and poses no threat to others." No further action was taken. The boy's offending is not recorded on the force intelligence system so other police officers coming into contact with him are unlikely to be aware of this case.
- 4.55. The supervisor demonstrated a sympathetic response to this young person's disability and arguably took his decision with a view to avoiding unnecessary criminalisation of the boy. What he failed to recognise was that this boy was potentially a risk to other children who ultimately may have been better served through early intervention work with the boy in question.
- 4.56. A report in 2013 led by HM Inspectorate of Probation found that:

"Children and young people who sexually offend form a very small proportion of the overall cohort of those who offend but the impact of their behaviour can be extremely damaging, and often affects other children and young people.

Almost half of the cases looked at in this report contained documented evidence of previous sexualised behaviour that was concerning. This was either not identified as such at the time, or too often subject to disbelief, minimisation and denial by professionals as well as families and treated as a 'one-off'. Consequently, the child or young person concerned was not subject to interventions to try to avert such behaviour in the future. Given

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<sup>56</sup> Lucy Faithfull is a child protection charity. They work with a variety of offenders, including children and young people, to treat inappropriate sexual behaviour and reduce risk to children.

that in this inspection, interventions, if successfully delivered, appear to have a positive effect, help delivered earlier may prevent other children and young people from becoming victims in the future.

Children and young people with learning difficulties are overrepresented as a group of people who display sexually harmful behaviour. No validated assessment tools exist for working with children and young people with learning, speech, language or communication issues”.<sup>57</sup>

4.57. Without the appropriate risk assessment tools, it is perhaps unsurprising that investigators do not identify children in a consistent way who pose a risk to other children.

### **Recommendation 9**

We recommend, that within six months, forces review existing processes for categorising risk in order to ensure that risks to children are being assessed effectively and appropriate measures taken to prevent and reduce offending.

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<sup>57</sup> *Examining Multi-Agency Responses to Children and Young People who Sexually Offend*, a criminal justice joint inspection of the effectiveness of multi-agency work with children and young people in England and Wales who have committed sexual offences and were supervised in the community, February 2013. Available from [www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/joint-thematic/children-yp-who-sexually-offend-report.pdf](http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/joint-thematic/children-yp-who-sexually-offend-report.pdf)

## 5. Findings: leadership, management and governance

- 5.1. This inspection focused on the local policing response to online child sexual exploitation but we recognise that there is significant activity at national level. We have set out a summary of this activity at Annex D. In all forces that we inspected there were named senior leaders responsible for tackling child sexual exploitation. We have set out below some examples of local operational activities:
- in Northumbria, Operation Sanctuary provides a focus for dealing with child sexual exploitation, (although there is no dedicated team to deal with indecent images of children or grooming);
  - in Devon and Cornwall the lead for safeguarding is held by a chief officer;
  - in Kent and in North Wales, senior detectives meet regularly within their own regions to identify and share good practice and identify changes in profiles which show the demand on their services.
- 5.2. Although all forces had ‘action plans’ in place we found there was limited evidence that their strategy or action planning is leading to improvements in police practice. One force set up a high-level working group to consider the force response to child sexual exploitation. The terms of reference for this group included online offending although the minutes of meetings did not record any action being taken in relation to online activity.
- 5.3. With the exception of Lancashire Police, we found limited evidence of topical and comprehensive problem profiles,<sup>58</sup> and insufficient understanding of the scale of the problem in their areas. In Lancashire, the force refreshes its ‘problem profile’ on child sexual exploitation, including online offending, every six months.
- 5.4. Staffordshire Police introduced “vulnerability officers” to local policing teams. They receive additional training on vulnerability issues, over and above that provided to their uniformed colleagues; this includes training on online child sexual exploitation. These officers are ‘champions’ for their colleagues, highlighting the needs and requirements of vulnerable people. They are a good source of intelligence about vulnerable people in their local area.

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<sup>58</sup> The National Intelligence Model definition of a problem profile is: a problem profile identifies established and emerging crime and incident ‘hot spots’ together with the opportunities for preventative work revealed by the intelligence. The National Intelligence Model, National Criminal Intelligence Service, Page 18 [www.intelligenceanalysis.net/National%20Intelligence%20Model.pdf](http://www.intelligenceanalysis.net/National%20Intelligence%20Model.pdf)

Uniform officers said they would feel confident to take advice from vulnerability officers in these types of cases.

- 5.5. Findings from HMIC's National Child Protection Inspections identified that there is a lack of understanding across forces in relation to assessing risk effectively and understanding what is a desirable outcome for a child.<sup>59</sup> We found that the forces we inspected did not take steps to evaluate the effectiveness of their responses to online child sexual exploitation.

### **Recommendation 10**

We recommend, that within six months, forces review their approach to online child sexual exploitation with a view to:

- ensuring problem profiles use an evidence-based methodology to establish the nature and scale of offending;
  - making better use of research to improve understanding of risks and to identify desirable outcomes for children.
- 5.6. The source of the report or referral to the police of an offence has a noticeable impact on the effectiveness of the investigation and on the benefits to the child. We found that reports from CEOP, another force, or children's social care services went directly to specialist teams within the force.
- 5.7. However, the referral route into the force and the subsequent allocation of an investigation, whether by specialist officers or frontline staff, appeared to be more a matter of longstanding process-driven practices than a system designed in the best interests of the child.
- 5.8. For example, in one force all referrals from CEOP were dealt with by the specialist child abuse investigation team. Regardless of the complexities or simplicity of the investigation, the team processed their inquiries in the same way. As a result, they felt overwhelmed and unable to influence the allocation of workload.

### **Recommendation 11**

We recommend, that within six months, forces review their methods for allocating online child sexual exploitation investigations, taking account of the seriousness and complexity of each case and the skills and the experience of the investigating staff.

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<sup>59</sup> Since August 2014, HMIC have published eight national child protection reports. Available from: [www.justiceinspectorates.gov.uk/hmic/our-work/child-abuse-and-child-protection-issues/](http://www.justiceinspectorates.gov.uk/hmic/our-work/child-abuse-and-child-protection-issues/)

## 6. Findings: how effective is the police response to children who need help and protection?

- 6.1. We found evidence that senior police leaders are committed to protecting children. However we identified a gap between force priorities and practice on the ground. Of the 124 case files examined across six forces, over half (52 percent) were judged as inadequate or requires improvement.
- 6.2. We found performance varied among those case files that were examined. In one force 72 percent of the cases audited were judged as inadequate or requires improvement, and the majority of these were inadequate.<sup>60</sup> Conversely, one force stood out from the rest by providing children and young people with help and protection to ensure that their needs are met. We found one force where inspectors judged 72 percent of the cases audited as adequate or good, and the majority of these were graded as good.<sup>61</sup>
- 6.3. All the cases judged as good by inspectors displayed similar characteristics:
- prompt and timely attendance – officers secured evidence while being sensitive to the needs of the child;
  - safeguarding issues were addressed throughout the course of the investigation, including the wider safeguarding needs of other children who might be at risk;
  - supervision was evident and the investigation was regularly reviewed;
  - where required, there was appropriate and timely involvement of partner agencies and early work with the Crown Prosecution Service;
  - delays due to the examination of computers and mobile phones were kept to a minimum;
  - children and their families are kept informed of the progress of the case and their views considered; and
  - decisions were made that were in the best interests of the child and were properly recorded.

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<sup>60</sup> 15 of the 21 cases audited in this force were judged as inadequate or requires improvement; of these 15, 13 were judged to be inadequate.

<sup>61</sup> 15 of the 21 cases audited in the force were judged as adequate or good; of these 15, 13 were judged to be good.

## Recommendation 12

We recommend, that within 12 months, forces, working with the national policing lead, consider ways to ensure that a good practice regime is introduced, supervised and monitored in forces so that children are protected.

- 6.4. The *Threat Assessment of Child Sexual Exploitation and Abuse* published by CEOP in June 2013 indicated that 13 and 14-year-olds represent the largest single group of victims in reports to CEOP, accounting for 35 percent of the total; 11 to 12-year-olds account for 26 percent and 15 to 16-year-olds account for 22 percent. Female victims were identified in 80 percent of all reports. Researchers for the children's charity Kidscape assessed the online activities of 2,300 11 to 18-year-olds from across the UK and found that 45 percent said they were sometimes happier online than in their real lives.<sup>62</sup>
- 6.5. With these points in mind, it is reasonable to conclude that teenagers are likely to seek information through the internet which is their usual means of communication. In January 2015, we conducted a review of all police websites. This snapshot survey aimed to establish how easily children could find information and support in relation to activity in their online world.
- 6.6. This review indicated:
- almost all force websites had information – albeit to varying degrees – relating to online child sexual exploitation or 'cyber-bullying', however, this information was primarily aimed at parents and carers;
  - almost all force websites provided the user, within two or three clicks from the homepage, with a link to the website of another agency (for example CEOP, NSPCC, or Internet Watch Foundation) for more information and help.

However, we found that:

- less than one third of force websites (14 out of 43) had cyber-bullying or online child sexual exploitation highlighted on their homepage; and
- less than one third of force websites (14 out of 43) had useful information aimed at an audience of children and young people.

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<sup>62</sup> *Threat Assessment of Child Sexual Exploitation and Abuse Child Exploitation*, June 2013, CEOP, page 11, paragraph 42. Available from:

[http://ceop.police.uk/Documents/ceopdocs/CEOP\\_TACSEA2013\\_240613%20FINAL.pdf](http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf)

- 6.7. In 2015, many children – and the overwhelming majority of teenagers – talk to and message their friends using their mobile phones as routinely and easily as adults use the phone and email.
- 6.8. When today's children have arguments, they use the same online and social media platforms to fight with each other in much the same way as they would in the past have fought in the school playground. However unwittingly, they may be committing offences under the Malicious Communications Act 1988. Similarly, a young girl sharing 'naughty' pictures with a boyfriend, however innocently it is intended, may also be committing a criminal offence. Worse still, if those pictures are shared more widely, they may become a source of blackmail for an online paedophile to coerce ever more indecent images from her.
- 6.9. We recognise that it is difficult to quantify the reduction in crime as a result of preventive policing work. However, we consider that many forces are missing an opportunity to warn children about risky online behaviour using the same website and social media channels used by children. Force websites (and also social media channels) could be an effective tool to communicate important messages about the risks and dangers of children's online activity to the group at greatest risk of harm – children themselves.

### **Recommendation 13**

We recommend, that within six months, forces consider and implement ways to improve communications with children by making better use of social media channels, so that children are better able to protect themselves online.

## 7. Conclusions

- 7.1. The protection of children is a priority for forces. Nevertheless forces take a traditional policing approach to what is a 21st century problem.
- 7.2. HMIC acknowledges that the number of internet-related crimes is increasing and a significant proportion of those crimes is unreported.<sup>63</sup> This unreported and currently 'invisible' criminal activity includes online child sexual exploitation.
- 7.3. The police are responsible for the identification of suspects and the offence or offences they are suspected of committing, the conduct of investigations and preparation of case papers for prosecution. That responsibility has not changed, but the nature of the offending today has changed irrevocably.
- 7.4. In the online world:
  - an offender can easily mask their identity;
  - activities may not yet be criminal either in this or other countries; and
  - children may be 'willing' participants without understanding the crime or its consequences.
- 7.5. In this complex environment, designing an effective police response is undoubtedly more challenging.
- 7.6. The dangers in the virtual world are now part of the everyday risk to children. There is a lack of recognition that dealing with these risks is already part of everyday policing. More work needs to be done to understand the nature of the risks to children and the scale of offending.
- 7.7. This is especially important in cases where children and young people do not cooperate, challenge or even hinder investigations. The online world that children experience is often very different from the real world.
- 7.8. In the 20th century, police leaders would expect an officer responding to a report of a burglary to establish whether there had been other similar offences in the vicinity, if the occupant had been a victim of any other offences, and whether there were any warning markers linked to the address, the victim or any potential suspect. That officer would be expected to conduct house-to-house enquiries as part of the initial investigation, regardless of whether the

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<sup>63</sup> *State of Policing, The Annual Assessment of Policing in England and Wales 2013/14*, HMCIC's annual assessment of policing in England and Wales 2013/14, page 15, para 1.22.

ongoing enquiry was conducted by them or passed on to a specialist investigator.

- 7.9. The offence may be different and the environment of the offending may have changed to a virtual world, but officers must still have the tools to help and protect children. Standard house-to-house enquiries which are effective in a burglary are not effective in the investigation of online child sexual exploitation. In this area of work, house-to-house enquiries are replaced by examinations of Facebook, Instagram and Twitter accounts.
- 7.10. In the last 50 years the police service has demonstrated that it can adapt. Changing patterns of offending and the consequent impact on society are better understood by the police. This is not dissimilar to changes in the police response to drug-related crime in the 1970s, domestic violence in 1980s, serious and organised crime in the 1990s, and sexual violence in the first decade of this century.
- 7.11. The police service must now recognise the full spectrum of this 'submerged' online offending, and its impact on children. Only then can the police service identify the existing level of criminality, analyse the resulting demand on policing resources, and plan effective police responses that are in the best interests of children.
- 7.12. We will review police progress against the recommendations in this report as part of our ongoing programme of the HMIC-led national child protection inspections.

## 8. Summary of recommendations

1. We recommend that, within six months, forces ensure relevant officers have access to social media applications to facilitate initial enquiries about a child's online activity as a means of supporting and prioritising the early stages of investigations.
2. We recommend that, within nine months, forces review the management of online child exploitation investigations with a view to identifying wider safeguarding opportunities, and implementing any changes of practice that are necessary.
3. We recommend that, within six months, the national policing lead provides guidance on the management of digital forensic analysis so that cases are prioritised effectively and in accordance with the risk that pertain to the children involved.
4. We recommend that, within nine months, forces review the management and supervision of online child sexual exploitation investigations to ensure that time delays are reduced and that safeguarding measures are identified, prioritised and dealt with in a timely fashion, and in the best interests of the child.
5. We recommend that, within three months, forces review tenure policies and succession planning in order to maintain and improve staff well-being.
6. We recommend that, within six months, chief constables ensure that those staff involved in online child sexual exploitation investigations have a positive working environment and are properly supported through effective supervisory support and welfare management.
7. We recommend that, within nine months, forces ensure that those who are involved in, and supervise, online child sexual exploitation investigations are able to access relevant information as and when required, maximising the use of current and planned IT systems.
8. We recommend that, within three months, forces ensure that decisions to use out of court disposals in relation to online child sexual exploitation are systematically scrutinised with a view to improving practice and minimising the opportunities for the inappropriate administration of alternatives to criminal proceedings at court.

9. We recommend, that within six months, forces review existing processes for categorising risk in order to ensure that risks to children are being assessed effectively and appropriate measures taken to prevent and reduce offending.
10. We recommend, that within six months, forces review their approach to online child sexual exploitation with a view to:
  - ensuring problem profiles use an evidence-based methodology to establish the nature and scale of offending;
  - making better use of research to improve understanding of risks to, and to identify desirable outcomes for children.
11. We recommend, that within six months, forces review their methods for allocating online child sexual exploitation investigations, taking account of the seriousness and complexity of each case, and the skills and the experience of the investigating staff.
12. We recommend, that within 12 months, forces, working with the national policing lead, consider ways to ensure that a good practice regime is introduced, supervised and monitored in forces so that children are protected.
13. We recommend, that within six months, forces consider and implement ways to improve communications with children by making better use of social media channels, so that children are better able to protect themselves online.

## **Annex A**

### **Relevant legislation at the time of the inspection**

#### **Section 8, Sexual Offences Act 2003**

##### **Causing or inciting a child under 13 to engage in sexual activity**

Extent: England and Wales.

- 1) A person commits an offence if—
  - a) he intentionally causes or incites another person (B) to engage in an activity,
  - b) the activity is sexual, and
  - c) B is under 13.
- 2) A person guilty of an offence under this section, if the activity caused or incited involved—
  - a) penetration of B's anus or vagina,
  - b) penetration of B's mouth with a person's penis,
  - c) penetration of a person's anus or vagina with a part of B's body or by B with anything else, or
  - d) penetration of a person's mouth with B's penis,is liable, on conviction on indictment, to imprisonment for life.
- 3) Unless subsection (2) applies, a person guilty of an offence under this section is liable—
  - a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or both;
  - b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

#### **Section 10, Sexual Offences Act 2003**

##### **Causing or inciting a child to engage in sexual activity**

Extent: England and Wales.

- 1) A person aged 18 or over (A) commits an offence if—
  - a) he intentionally causes or incites another person (B) to engage in an activity,

- b) the activity is sexual, and
  - c) either—
    - i) B is under 16 and A does not reasonably believe that B is 16 or over, or
    - ii) B is under 13.
- 2) A person guilty of an offence under this section, if the activity caused or incited involved—
- a) penetration of B's anus or vagina,
  - b) penetration of B's mouth with a person's penis,
  - c) penetration of a person's anus or vagina with a part of B's body or by B with anything else, or
  - d) penetration of a person's mouth with B's penis,
- is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years.
- 3) Unless subsection (2) applies, a person guilty of an offence under this section is liable—
- a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or both;
  - b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

## **Section 12, Sexual Offences Act 2003**

### **Causing a child to watch a sexual act**

Extent: England and Wales.

- 1) A person aged 18 or over (A) commits an offence if—
- a) for the purpose of obtaining sexual gratification, he intentionally causes another person (B) to watch a third person engaging in an activity, or to look at an image of any person engaging in an activity,
  - b) the activity is sexual, and
  - c) either—
    - i) B is under 16 and A does not reasonably believe that B is 16 or over, or
    - ii) B is under 13.

- 2) A person guilty of an offence under this section is liable—
  - a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

## **Section 14, Sexual Offences Act 2003**

### **Arranging or facilitating commission of a child sex offence**

Extent: England and Wales.

- 1) A person commits an offence if—
  - a) he intentionally arranges or facilitates something that he intends to do, intends another person to do, or believes that another person will do, in any part of the world, and
  - b) doing it will involve the commission of an offence under any of sections 9 to 13.
- 2) A person does not commit an offence under this section if—
  - a) he arranges or facilitates something that he believes another person will do, but that he does not intend to do or intend another person to do, and
  - b) any offence within subsection (1)(b) would be an offence against a child for whose protection he acts.
- 3) For the purposes of subsection (2), a person acts for the protection of a child if he acts for the purpose of—
  - a) protecting the child from sexually transmitted infection,
  - b) protecting the physical safety of the child,
  - c) preventing the child from becoming pregnant, or
  - d) promoting the child's emotional well-being by the giving of advice,and not for the purpose of obtaining sexual gratification or for the purpose of causing or encouraging the activity constituting the offence within subsection (1) (b) or the child's participation in it.
- 4) A person guilty of an offence under this section is liable—
  - a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

- b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

## **Section 15, Sexual Offences Act 2003**

### **Meeting a child following sexual grooming etc.**

Extent: England.<sup>64</sup>

- 1) A person aged 18 or over (A) commits an offence if—
  - a) A has met or communicated with another person (B) on at least two occasions and subsequently<sup>65</sup>—
    - i) A intentionally meets B,
    - ii) A travels with the intention of meeting B in any part of the world or arranges to meet B in any part of the world, or
    - iii) B travels with the intention of meeting A in any part of the world,
  - b) A intends to do anything to or in respect of B, during or after the meeting mentioned in paragraph (a)(i) to (iii) and in any part of the world, which if done will involve the commission by A of a relevant offence,
  - c) B is under 16, and
  - d) A does not reasonably believe that B is 16 or over.
- 2) In subsection (1)—
  - a) the reference to A having met or communicated with B is a reference to A having met B in any part of the world or having communicated with B by any means from, to or in any part of the world;
  - b) “*relevant offence*” means—
    - i) an offence under this Part,
    - ii) . . . . .
    - iii) anything done outside England and Wales which is not an offence within sub-paragraph (i) but would be an offence within sub-paragraph (i) if done in England and Wales.
- 4) A person guilty of an offence under this section is liable—

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<sup>64</sup> This text is in force in England only; the text for Northern Ireland has since been repealed.

<sup>65</sup> In April 2015 subsection 1a (B) was amended to say 'on one or more'.

- a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

## **Section 104, Sexual Offences Act 2003**

### **Sexual offences prevention orders: applications and grounds.**

Extent: England, Wales, Scotland and Northern Ireland.<sup>66</sup>

- 1) A court may make an order under this section in respect of a person (“the defendant”) where any of subsections (2) to (4) applies to the defendant and—
  - a) where subsection (4) applies, it is satisfied that the defendant’s behaviour since the appropriate date makes it necessary to make such an order, for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant;
  - b) in any other case, it is satisfied that it is necessary to make such an order, for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant.
- 2) This subsection applies to the defendant where the court deals with him in respect of an offence listed in Schedule 3 or 5.
- 3) This subsection applies to the defendant where the court deals with him in respect of a finding—
  - a) that he is not guilty of an offence listed in Schedule 3 or 5 by reason of insanity, or
  - b) that he is under a disability and has done the act charged against him in respect of such an offence.
- 4) This subsection applies to the defendant where—
  - a) an application under subsection (5) has been made to the court in respect of him, and
  - b) on the application, it is proved that he is a qualifying offender.

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<sup>66</sup> The text for England and Wales has been repealed with effect from 8 March 2015, subject to transitional provisions.

- 5) A chief officer of police may by complaint to a magistrates' court apply for an order under this section in respect of a person who resides in his police area or who the chief officer believes is in, or is intending to come to, his police area if it appears to the chief officer that—
  - a) the person is a qualifying offender, and
  - b) the person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for such an order to be made.
- 6) An application under subsection (5) may be made to any magistrates' court whose commission area includes—
  - a) any part of the applicant's police area, or,
  - b) any place where it is alleged that the person acted in a way mentioned in subsection (5)(b).

## **Section 123, Sexual Offences Act 2003**

### **Risk of sexual harm orders: applications, grounds and effect.**

Extent: England, Wales and Northern Ireland.<sup>67</sup>

- 1) A chief officer of police may by complaint to a magistrates' court apply for an order under this section (a "risk of sexual harm order") in respect of a person aged 18 or over ("the defendant") who resides in his police area or who the chief officer believes is in, or is intending to come to, his police area if it appears to the chief officer that—
  - a) the defendant has on at least two occasions, whether before or after the commencement of this Part, done an act within subsection (3), and
  - b) as a result of those acts, there is reasonable cause to believe that it is necessary for such an order to be made.
- 2) An application under subsection (1) may be made to any magistrates' court whose commission area includes—
  - a) any part of the applicant's police area, or
  - b) any place where it is alleged that the defendant acted in a way mentioned in subsection (1)(a).
- 3) The acts are—

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<sup>67</sup> The text for England and Wales has been repealed with effect from 8 March 2015, subject to transitional provisions.

- a) engaging in sexual activity involving a child or in the presence of a child;
  - b) causing or inciting a child to watch a person engaging in sexual activity or to look at a moving or still image that is sexual;
  - c) giving a child anything that relates to sexual activity or contains a reference to such activity;
  - d) communicating with a child, where any part of the communication is sexual.
- 4) On the application, the court may make a risk of sexual harm order if it is satisfied that—
- a) the defendant has on at least two occasions, whether before or after the commencement of this section, done an act within subsection (3); and
  - b) it is necessary to make such an order, for the purpose of protecting children generally or any child from harm from the defendant.
- 5) Such an order—
- a) prohibits the defendant from doing anything described in the order;
  - b) has effect for a fixed period (not less than 2 years) specified in the order or until further order.
- 6) The only prohibitions that may be imposed are those necessary for the purpose of protecting children generally or any child from harm from the defendant.
- 7) Where a court makes a risk of sexual harm order in relation to a person already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

## **Section 1, Protection of Children Act 1978**

### **Indecent photographs of children**

Extent: England and Wales.

- 1) Subject to sections 1A and 1B, it is an offence for a person—
- a) to take, or permit to be taken or to make, any indecent photograph or pseudo-photograph of a child; or
  - b) to distribute or show such indecent photographs or pseudo-photographs; or
  - c) to have in his possession such indecent photographs or pseudo-photographs, with a view to their being distributed or shown by himself or others; or

- d) to publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs or pseudo-photographs, or intends to do so.
- 2) For purposes of this Act, a person is to be regarded as distributing an indecent photograph or pseudo-photograph if he parts with possession of it to, or exposes or offers it for acquisition by, another person.
- 3) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.
- 4) Where a person is charged with an offence under subsection (1)(b) or (c), it shall be a defence for him to prove—
  - a) that he had a legitimate reason for distributing or showing the photographs or pseudo-photographs or (as the case may be) having them in his possession; or
  - b) that he had not himself seen the photographs or pseudo-photographs and did not know, nor had any cause to suspect, them to be indecent.

....

## **Section 62, Coroners and Justice Act 2009**

### **Possession of prohibited images of children**

Extent: England, Wales and Northern Ireland.

- 1) It is an offence for a person to be in possession of a prohibited image of a child.
- 2) A prohibited image is an image which—
  - a) is pornographic,
  - b) falls within subsection (6), and
  - c) is grossly offensive, disgusting or otherwise of an obscene character.
- 3) An image is “pornographic” if it is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal.
- 4) Where (as found in the person's possession) an image forms part of a series of images, the question whether the image is of such a nature as is mentioned in subsection (3) is to be determined by reference to—
  - a) the image itself, and

- b) (if the series of images is such as to be capable of providing a context for the image) the context in which it occurs in the series of images.
- 5) So, for example, where—
- a) an image forms an integral part of a narrative constituted by a series of images, and
  - b) having regard to those images as a whole, they are not of such a nature that they must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal,
  - c) the image may, by virtue of being part of that narrative, be found not to be pornographic, even though it might have been found to be pornographic if taken by itself.
- 6) An image falls within this subsection if it—
- a) is an image which focuses solely or principally on a child's genitals or anal region, or
  - b) portrays any of the acts mentioned in subsection (7).
- 7) Those acts are—
- a) the performance by a person of an act of intercourse or oral sex with or in the presence of a child;
  - b) an act of masturbation by, of, involving or in the presence of a child;
  - c) an act which involves penetration of the vagina or anus of a child with a part of a person's body or with anything else;
  - d) an act of penetration, in the presence of a child, of the vagina or anus of a person with a part of a person's body or with anything else;
  - e) the performance by a child of an act of intercourse or oral sex with an animal (whether dead or alive or imaginary);
  - f) the performance by a person of an act of intercourse or oral sex with an animal (whether dead or alive or imaginary) in the presence of a child.
- 8) For the purposes of subsection (7), penetration is a continuing act from entry to withdrawal.
- 9) Proceedings for an offence under subsection (1) may not be instituted—
- a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;

- b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

## **Safeguarding children**

The legislation relevant to safeguarding and promoting the welfare of children is set out below:

### **Children Act 2004**

Section 10 requires each local authority to make arrangements to promote cooperation between the authority, each of the authority's relevant partners (including the police service) and such other persons or bodies working with children in the local authority's area as the authority considers appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the authority's area – which includes protection from harm or neglect alongside other outcomes.

Section 11 places duties on a range of organisations and individuals (including the police service) to ensure their functions, and any services that they contract out to others, are discharged with regard to the need to safeguard and promote the welfare of children.

Section 13 requires each local authority to establish a Local Safeguarding Children Board (LSCB) for their area and specifies the organisations and individuals (other than the local authority) that the Secretary of State may prescribe in regulations that should be represented on LSCBs.

### **Children Act 1989**

The Children Act 1989 places a duty on local authorities to promote and safeguard the welfare of children in need in their area by providing a range and level of services appropriate to those children's needs (section 17(1)).

Under section 46 of the Children Act 1989, where a police officer has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, the officer may:

- remove the child to suitable accommodation; or
- take reasonable steps to ensure that the child's removal from any hospital, or other place in which the child is then being accommodated is prevented.

No child may be kept in police protection for more than 72 hours (section 46(6)).

Section 47(1) of the Children Act 1989 states that:

1) Where a local authority:

- a) are informed that a child who lives, or is found, in their area
  - i) is the subject of a emergency protection order, or
  - ii) is in police protection; or
- b) have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm.

the authority shall make, or cause to be made, such enquires as they consider necessary to enable them to decide whether they should take any action to safeguard and promote the child's welfare.

Section 53 of the Children Act 2004 amended both section 17 and section 47 of the Children Act 1989, to require in each case that before determining what services to provide (under section 17) or what action to take (under section 47), the local authority shall, so far as is reasonably practicable and consistent with the child's welfare:

- ascertain the child's wishes and feelings regarding the provision of those services or the action to be taken; and
- give due consideration (with regard to the child's age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

### **Police Reform and Social Responsibility Act 2011**

Section 1(8)(h) requires the police and crime commissioner to hold the chief constable to account for the exercise of the latter's duties in relation to safeguarding children under sections 10 and 11 of the Children Act 2004.

## Annex B Assessment Criteria

The HMIC Online Child Sexual Exploitation (CSE) Inspection Assessment Criteria is available at:  
[www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/cse-assessment-criteria.pdf](http://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/cse-assessment-criteria.pdf)

The **child's journey** is in column 1 (below) from first concern to ending involvement with the police service.

The **overall assessment** in column 2 (below) are those things that matter most and from which everything else flows.

**What we might expect to see** in column 3 (below), gives examples of what the indicators might mean in practice are offered.

The **overall assessment** (first on schedule but last to be completed) is an assessment of how well the service has done in its totality and should be outcome and child experience focussed. There may be cases of good practice which fall short of policy and guidance expectations or cases of poor practice which conform to them. The fit between practice quality and the service's policies and guidance is indicative of how well policies and guidance serve to promote good outcomes for children.

The schedule is amenable to simple yes/no scoring, a (1-5) scale or written evidence only with no scores.

The overall effectiveness of the force and its response to children who need help and protection		
Child's journey	Overall assessment	What might we expect to see
The whole journey	The police force does the best it can for children and young people. Children and young people are helped, protected, listened to and their needs met.	This top line assessment should be completed after the information from all the other indicators below has been collated and assessed.  The force has protected the child, addressed needs as they arose and listened to the child through-out the process.

		<p>Intervention was proportionate and undertaken at a pace and intensity that reflected the child's individual circumstances and needs.</p> <p>Good quality evidence and information was obtained.</p> <p>Staff felt supported when acting in the best interests of the child.</p> <p>They had the skills and experience required to undertake the tasks required.</p> <p>Force structures, work schedule, policy and guidance supported good practice.</p> <p>The force ensures the help and protection for children and young people is considered across the whole range of activities its undertakes, in particular within the responses for domestic abuse, managing sexual and violent offenders and missing children.</p>
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## The experiences, progress and outcomes for children who need help and protection

Children and young people who are, or who are likely to be, at risk of harm or who are the subject of concern are identified and protected. Help is provided early in the emergence of a problem and is well coordinated and recorded through multi-agency arrangements. Thresholds between early help and statutory child protection work are appropriate, understood and operate effectively. Records of action and decision are clear and up to date. Children and young people are listened to and heard. Police officers and police staff members provide timely and effective help and protection. Risk is well understood, managed and regularly reviewed. Children and young people experience timely and effective multi-agency help and protection through timely and thorough action, information exchange, risk-based assessment, authoritative practice, planning and evaluation.

Child's journey	Overall assessment	What might we expect to see
1 Initial contact	(From the first point of contact) officers and staff are alert to and identify children at risk of harm, children and young people are protected from harm.	<p>The response is timely based on level of risk and needs of the child.</p> <p>Officers and staff observe, listen to and are alert to the needs of the child. The response to risks and needs is proportionate to the circumstances and any residual concerns are addressed later but promptly.</p> <p>Where a child is evidently in danger or the act of intervening, of itself, poses a risk to the child, immediate steps should be taken to protect the child followed by a more informed assessment.</p> <p>Immediate needs such as that for medical care, reuniting with a parent or reassurance are attended to.</p> <p>When dilemmas and conflicts are balanced and managed on the spot and under stress, decisions are reviewed as soon as time allows and</p>

		<p>every effort is made to minimise any negative impacts. For example by alerting more senior staff to unaddressed needs, taking an early opportunity to speak and re-engage with the child, seek additional support from another service.</p> <p>All staff know what to do when they are concerned about a child.</p> <p>All staff likely to come into contact with children whatever their role are appropriately trained to identify risk and make initial enquiries.</p> <p>There are simple reliable systems for raising concerns and protecting children including for children at risk of sexual exploitation and trafficking and children missing from home/ education.</p> <p>Management support and structuring of work enables concerns to be adequately addressed in a timely manner.</p> <p>Access to more specialist advice (for the officer or the manager) is readily accessible when needed.</p>
2 Assessment and help	The police service works together with others to help and protect children. Help is effective and makes a positive difference to the lives of those children and families.	<p>Assessments include a clear analysis of risk and protective factors, use all the available information and involve all relevant agencies.</p> <p>Assessments and plans take account of the case history including other significant events and changing levels of patterns of behaviour/ risk.</p> <p>Assessments and plans are informed by research and learning.</p> <p>Plans include what help is to be provided and by whom, how risk will be managed and contingency arrangements (such as a domestic abuse defendant breaching bail).</p>

		<p>Help is proportionate, appropriate and timely and focuses on outcomes for the child.</p> <p>Children’s views and experience inform the plans which are responsive to the child/ family’s age, disability, ethnicity, faith or belief, gender, gender identity. Language, race and sexual orientation.</p> <p>Agencies work together and ensure responsibility for protecting a child and meeting need, information sharing is timely, specific and effective.</p> <p>The work is co-ordinated to prevent the child becoming subject to a number of agency processes and assessments or falling through the gaps.</p> <p>Plans specify who will do what and within what timescales, how progress will be monitored and reviewed.</p> <p>Plans are prepared and shared with children and families. They know what help they can expect from agencies and what measures agencies will take to protect the child.</p> <p>Plans are regularly reviewed and amended.</p> <p>Officers and staff remain alert to needs and risks. They review and take action when new circumstances come to light.</p> <p>Changes in circumstances are responded to quickly and risk reassessed. Officers and staff complete enforcement activity and meet contingency plan obligations promptly.</p> <p>Work structures and shift patterns are designed to ensure the right</p>
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		<p>people (decision makers) attend meetings and delays are minimised.</p> <p>The service has alert systems in place to ensure any breach or a change in level of risk will be noted and acted upon.</p> <p>Assessment tools are evidence based and appropriate training on their use is provided.</p> <p>Time and opportunity for thinking and review are built into guidance and procedures. Staff are supported in their reviewing role i.e. prior to inter-agency reviews, in agency reviews are undertaken, reports (where appropriate) are written and submitted sufficiently in advance to be useful to those attending the reviews. Relevant staff attend who are empowered to make decisions on behalf of the service.</p>
3 Investigation/ enquiries	Investigations are thorough, timely and the needs of children are central.	<p>Investigations and inquiries are undertaken promptly and are thorough. The right information is collected.</p> <p>Enquiries are well planned and avoid repeat examinations or interviews.</p> <p>From the outset, the right support for the child from the most appropriate source (police, family or other agencies) is put in place.</p> <p>Officers and staff work at the child's pace and in a way that takes account of their age and development or any special needs they might have.</p> <p>Where children or others are limited by reason of age, health or ability in what evidence they can provide, every effort is made to find and use the appropriate specialist resources that can support the investigation (e.g.</p>

		<p>interpreters, intermediaries, trusted mental health professionals).</p> <p>Police interview schedules, recordings, forensic findings and other evidence are proportionate, comprehensive and accurate and are collated in such a way as to enable sound and prompt judgements or recommendations to be made about next steps (bail/ remand, prosecution, child protection plans, closure etc.).</p> <p>Potential negative impacts of any investigation are assessed and plans made to mitigate these.</p> <p>Where another agency has to be involved this transition is handled in a way that supports and reassures the child.</p> <p>Staff are highly skilled in interviewing children, understanding evidential limitations and creative in developing investigatory approaches that can support the investigation.</p> <p>Agency policy and guidance enables staff to take accountable decisions, even out with agency policy, when this is in the best interests of the child.</p> <p>Management support staff in their balancing role and revise plans and directions in the light of how the case is progressing.</p> <p>Management ensure all staff working with young victims of offending have the appropriate knowledge and skills (child development and its many variations, expertise in communicating with children and working with families who may be both distressed and under suspicion, good investigative practice in this area of work and knowledge of the role of</p>
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		<p>other agencies and potential support systems). There is access to specialist or supplementary advice when this is needed.</p> <p>The force understands the level of need it has for support services (interpreters, intermediaries, access to mental health professionals etc.) and has arrangements in place so that these can be called upon quickly.</p> <p>The force helps other professionals such as paediatricians understand the need for both good forensic evidence and meeting the health needs of the child.</p> <p>The staffing and structure of all aspects of investigation (including DNA or computer analysis) can be summonsed promptly.</p> <p>The culture of the force enables officers to recognise and acknowledge their limitations (especially in unusual or infrequent types of case). These concerns are addressed and significant cases are reviewed to aid learning.</p> <p>The quality of police investigative work is audited.</p>
4 Decision making	Decisions are child centred, prioritise their needs and based on good quality evidence	<p>Decisions are based on good quality evidence, supported by thorough investigations and the use of specialist services when needed.</p> <p>Children are listened to and understood and their views are taken into account in all decision making.</p> <p>Decisions reflect the likely impact on the child and where there is a risk of harm, plans are put in place to mitigate it.</p> <p>Where there are no criminal proceedings but a child is deemed to be at</p>

		<p>risk and referred to Child Social Care, relevant information will be passed on and investigating officers will work jointly with other agencies on a child protection plan where this is appropriate.</p> <p>In serious (alleged) criminal cases, decisions to take no further action or not to charge are appropriately reviewed by senior officers with further investigations or support for the child strengthened where appropriate.</p> <p>All decisions are undertaken by suitably qualified staff and/ or managers, as appropriate and the decisions and their reasoning are recorded.</p>
5 Trusted adult	Officers and staff do what they say they will do.	<p>Officers and staff do not overpromise and do not lie to children to gain evidence or persuade them to co-operate.</p> <p>At all times they are trustworthy adults in the child's life who do what they say they will do or explain (promptly, and appropriately to the child's circumstances) why a change is necessary.</p> <p>The agreements they make are child centred such as those relating to protecting them, keeping them informed, helping them get help etc.</p> <p>Where officers agree to or promise certain actions in the course of their work, management should ensure that such promises can be honoured or alternative arrangements are made.</p> <p>Work schedules, guidance and procedures should reflect the need for follow up actions and keeping victim's informed.</p>

6 Ending of involvement	Officers and staff close cases in a child centred and timely way.	<p>Where a child or a family can have a reasonable expectation that they will be informed of the outcome of the case this should be timely and by the most appropriate means.</p> <p>Where involvement is more extensive and the child has come to rely on the police force for support, consideration is given to the best way of closing contact. This may mean continuing contact for some time – a ‘cool down’ period or the engagement of other agencies in a support role. Ending contact should be undertaken in a way that is most appropriate for the child’s circumstances and needs.</p> <p>Contact (irrespective of its level) ends in way that encourages trust and confidence in the police service.</p> <p>Police continue to contribute to inter-agency plans as appropriate (perhaps in relation to an offender) and remain alert to risk.</p> <p>Time is allowed for a child centred approach to case closure.</p> <p>As a service, or through the LCSB there are regular reviews of ‘customer satisfaction’ that include how well children are protected and needs met.</p>
7 Management of those who pose a risk to children	Officers and staff identify those who pose a risk to children and young people and work with staff from partner agencies to help and protect those and other	<p>Police identify those who present a risk to children and young people, both convicted and un-convicted</p> <p>Police assess the risk of harm posed to children and, together with other agencies, plan to reduce it.</p> <p>The views of children, young people and their families are taken into account</p> <p>Police take action to protect children from those who present a risk of harm to</p>

	children	them
8 Recording	<p>Case recording is accurate, timely and coherent. It reflects the work undertaken, the outcomes achieved, progress against plans and the experience/ views of the child/ family.</p>	<p>The record is completed soon after the event.</p> <p>The author is clear and the entry is dated.</p> <p>Where required the entry is signed off by a senior officer.</p> <p>It conforms to agency requirements and can be readily found/ understood by all those who have access to it.</p> <p>It is concise and accurate.</p> <p>It differentiates between fact, judgement and opinion.</p> <p>It reflects the purpose for which it was written.</p> <p>It includes the child/ family's views.</p> <p>It is shared as per agency agreements.</p> <p>In addition to any agency retention policies, records of decisions (and the reasons for them) that significantly impact on a child's life i.e. decisions to remove a child from their parents on a permanent basis should either be retained by the police indefinitely or explicitly forwarded to social services to for retention in the child's file.</p> <p>A standard easily accessed and applied recording system has been developed for the organisation that encourages timely and accurate recording. (This might include ease of use, lack of duplication, access to computers.</p>

		<p>All staff are trained in agency record keeping.</p> <p>There are regular audits of record keeping to ensure it meets agency standards and action is taken where improvements are necessary.</p>
8 Police detention	<p>Children and young people are detained in police custody only when absolutely necessary. While in custody they are protected from harm and every effort is made to release them or transfer them to more appropriate accommodation.</p>	<p>Initial arrests are lawful (PACE 1984), proportionate and necessary.</p> <p>Arrests are authorised by Custody Officers who understand and recognise the needs of children and make decisions taking into account their needs.</p> <p>Arrested children and young people are provided with prompt access to appropriate adults and other persons able to support them whilst in detention.</p> <p>Children and young people are protected from harm whilst in police detention, i.e. risk assessments, appropriate rooms, regular visits, kept away from adult detainees.</p> <p>Post charge (or decision to release without charge), arrested children and young people, identified as needing continued detention or to be accommodated, are transferred to the care of the local authority unless it is unsafe to do so.</p> <p>Children and young people detained under the provisions of Section 136 of the Mental Health Act 1983 are taken to a 'place of safety' other than a police custody centre.</p> <p>Where arrested children or young people are identified as being at risk of harm police work with partners to remove or reduce it.</p>

## Leadership, management and governance

Leadership, management and governance arrangements support good practice in protecting children and meeting their needs and comply with statutory guidance. There is a clear and up-to-date strategy to help and protect children and young people and an experienced workforce that meets the needs of local children and young people and families. The police senior management team have a comprehensive knowledge about what is happening at the 'front line' to enable them to discharge their responsibilities and resolve problems as they arise. They know and understand the difference police responses to help and protection are making. They oversee systematic performance management and monitoring that demonstrate rigorous and timely action in response to gaps within the force or new demands. The force works with partners to help and protect children and young people. They work together to solve inter-agency problems and to improve practice. Partnerships are supported by transparent and rigorous governance between the force, its local authority(ies) and key statutory, private and voluntary organisations. Shared priorities are clear and resourced. There is effective engagement with the relevant local partnerships including the Health and Well-being Board. The force is an active and fully contributing member of all LSCBs within its boundaries.

Child's journey	Overall assessment	What might we expect to see
	<p>The leadership of the force creates an environment where children and young people are helped and protected according to their needs. Officers and staff respect children and young people and actively listen to them.</p>	<p>There is leadership at a senior level demonstrated by an active interest in how well the service is meeting the needs of children and young people.</p> <p>The force (individually and in conjunction with partner agencies) understands the local population of children, young people and families and has developed approaches and services to meet need.</p> <p>It understands the experience of children and families as they move through the child protection and criminal justice systems and this is reflected in policy, guidance and procedures.</p> <p>Research and intelligence and feedback about the quality of service</p>

		<p>delivery, outcomes and the experiences of child inform the design and delivery of services.</p> <p>There is a culture of listening to children.</p> <p>The police service is equipped to address the diverse needs of all children with whom they come in contact irrespective of their race, gender, sexuality or abilities and have access to additional support such as interpreters where this is necessary.</p> <p>Sound arrangements (jointly with the LCSBs or other services e.g. mental health or drug and alcohol services) are in place to support agencies working together, including information sharing and to resolve any conflicts that might arise.</p> <p>The LCSBs reports regularly on how well children are helped and protected.</p> <p>The force reports regularly on its performance, its level of service and outcomes. The data gathered is actively considered and its analysis leads to changes in practice.</p> <p>All staff, to the top of the organisation, know to whom they are accountable for practice. They review and report regularly on their performance and how well they contribute to delivering good outcomes for children and young people</p> <p>There is a professional lead (and staff have access to professional advice).</p> <p>Staff are supervised and supported, are competent to carry out tasks expected of them and have had induction training in child protection.</p>
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		<p>The force leadership takes responsibility for ensuring that all children and young people in police custody centres are fairly and properly treated.</p> <p>The agency follows safe recruitment practices.</p> <p>There are policies and procedures in place to deal with allegations against staff.</p>
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## Annex C

### Categorisation of indecent images

In December 2013, the Sentencing Council published: *Sexual Offences Definitive Guideline* which introduces a new approach for those who are convicted of possession of an indecent image of a child.<sup>68</sup> The guideline came into effect on 1 April 2014.

Prior to 1 April 2014, in England and Wales indecent images were categorised according to their seriousness using a scale known as: Combating Paedophile Information Networks in Europe (COPINE). There are ten levels on the scale, ranging from non-erotic and non-sexualised pictures showing children, for example, in their underwear through to pictures in which an animal is involved in some form of sexual behaviour with a child.

In 2002, the Court of Appeal has established a scale by which indecent images of children were graded for the purposes of sentencing those who commit related offences.<sup>69</sup> Its approach was considered by the Sentencing Guidelines Council (SGC) which published its guidance on the appropriate levels of penalty for sexual offences in 2007.<sup>70</sup> Until the publication of the 2013 Guidance, its five-point scale was the basis for sentencing practice in England and Wales to date.

The SGC scale is graduated according to the seriousness of the image and is as follows:

- images depicting erotic posing with no sexual activity;
- non-penetrative sexual activities between children, or solo masturbation by a child;
- non-penetrative sexual activity between adults and children;
- penetrative sexual activity involving a child or children, or both children and adults;
- sadism or penetration involving the penetration of, or by, an animal.

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<sup>68</sup> See: [www.sentencingcouncil.org.uk/wp-content/uploads/Final\\_Sexual\\_Offences\\_Definitive\\_Guideline\\_content\\_web1.pdf](http://www.sentencingcouncil.org.uk/wp-content/uploads/Final_Sexual_Offences_Definitive_Guideline_content_web1.pdf) particularly pages 75-79, which explains a new three level approach to sentencing which judges are to adopt with effect from 1 April 2014.

<sup>69</sup> *R v Oliver, Hartrey and Baldwin* [2002] EWCA Crim 2766.

<sup>70</sup> The SGC was replaced by the Sentencing Council in 2010.

The SGC Guidelines identify the aggravating and mitigating factual circumstances which judges and magistrates should take into account when deciding the penalty to be imposed on any individual offender.

As we have indicated, Parliament has extended the protection afforded to children in respect of the taking, making, distributing, possessing with a view to distribute and publishing of indecent photographs to include those under 18 years of age.<sup>71</sup>

In addition, as experience has uncovered more and more ways to involve a child in indecent imagery, so Parliament has enacted more offences to cover different scenarios. Indecent imagery now includes tracings<sup>72</sup> and pseudo-photographs.<sup>73</sup> A “pseudo-photograph” is an image which is made by computer graphics or otherwise to look like a photograph. Section 62 of the Coroners and Justice Act 2009<sup>74</sup> which deals with non-photographic images, such as computer-generated images, cartoons, manga images, drawings and the electronic conversion of photographs.

It is clear that most, if not all, of the different ways in which offenders generate indecent imagery of a child are now capable of being dealt with by one of a number of criminal offences.

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<sup>71</sup> Section 7(6), Protection of Children Act 1978, as amended by section 45(2), Sexual Offences Act 2003.

<sup>72</sup> By virtue of section 69, Criminal Justice and Immigration Act 2008.

<sup>73</sup> By virtue of section 84(2)(d), Criminal Justice and Public Order Act 1994.

<sup>74</sup> See annex C.

## Annex D

### National strategy

It is clear that successive administrations have been aware of the need to address online child sexual exploitation: departmental guidance; amendments to legislation; and, more recently, substantial public comment and debate; all suggest that there is a considerable awareness of this issue and a will to do something about it.

In October 2013, the Home Office published *Cyber-crime, a review of the evidence*, part of which focuses on cyber-related crimes concerning sexual offending against children.<sup>75</sup> Although the report provides an important reference point for research and a wide range of operational activity, it confirms our view that more needs to be done to establish the nature and the scale of the problem.

In April 2013, the government announced the creation of the Sexual Violence against Children and Vulnerable People National Group which is chaired by the Minister of State for Policing and Criminal Justice reports directly to the Prime Minister. It covers a number of issues, including cyber offending, and brings together experts and policy makers to learn the collective lessons from previous enquiries concerning child sexual exploitation. Also it strengthens work undertaken across government to protect children and prevent child sexual abuse.<sup>76</sup>

The government published an action plan and progress report on the national group's work in March 2015, describing the steps it has taken to address sexual violence against children and vulnerable people since July 2013 when the group's last progress report and action plan was published. Among many activities, it highlights that it has:<sup>77</sup>

- continued to support the NCA's 'Thinkuknow' programme which helps children and young people to identify the risks they may face both online and understand better how to protect themselves and know how to seek further support;

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<sup>75</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/246754/horr75-chap3.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246754/horr75-chap3.pdf)

<sup>76</sup> The following are represented on the Group: the police, the Crown Prosecution Service, relevant Government Departments, and expert groupings, such as CEOP, NSPCC, Barnardo's and Rape Crisis.

<sup>77</sup> HM Government: Sexual Violence against Children and Vulnerable People National Group: Progress Report and Action Plan 2015 (March 2015).  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/412420/Sexual\\_Abuse\\_Action\\_plan\\_5th.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412420/Sexual_Abuse_Action_plan_5th.pdf)

- published resource packs for schools and colleges providing access to guidance and evidence on safeguarding, child protection, online safety and 'sexting';
- delivered a global summit in December 2014, WePROTECT Children Online, to drive a coordinated international response to tackle online sexual abuse. The UK government pledged to provide £50m of funding over the next five years and to work with UNICEF to develop a child protection fund to bring about action in this area.
- worked with industry and other partners to block results from search engines leading to child sexual abuse material from online searches; additionally, the Internet Watch Foundation is now able to search out indecent imagery proactively so that it can be taken-down or blocked: previously it could only act on reports it had received.

In October 2013, the government published the Serious and Organised Crime Strategy alongside the launch of the National Crime Agency (NCA).<sup>78</sup> The strategy highlighted the sexual exploitation of children as a principal threat and one of the manifestations of serious and organised crime. In 2014, the NCA and the police launched an unprecedented operation against online child abusers in the UK, operation Notarise.

By March 2015, Operation Notarise had resulted in the arrest of 745 individuals and the safeguarding or protecting of more than 450 children across the UK. In December 2014, the Prime Minister announced that an additional £10million would be made available for the NCA-CEOP in 2015/16 to target the most complex serious online offenders.

In July 2012, the government published the Strategic Policing Requirement (SPR)<sup>79</sup> which focuses on areas of policing where the government has responsibility for ensuring that sufficient capabilities are in place to respond to serious and cross-boundary threats and supports chief constables and police and crime commissioners in balancing local and national priorities. The SPR was refreshed in March 2015 and the Home Secretary decided to include child sexual abuse as an additional threat. Including child sexual abuse in the SPR is expected to assist in enhancing capability to tackle the threat through more efficient sharing of resources, specialist skills, best practice and intelligence.

In July 2013, the Prime Minister announced his intention to introduce a secure national child abuse image database to support the work of police forces to deal with the millions of images in circulation. The Child Abuse Image Database (CAID)

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<sup>78</sup> [www.gov.uk/government/publications/serious-organised-crime-strategy](http://www.gov.uk/government/publications/serious-organised-crime-strategy)

<sup>79</sup> [www.gov.uk/government/publications/strategic-policing-requirement](http://www.gov.uk/government/publications/strategic-policing-requirement)

became operational in December 2014 with seven forces connecting to it so far and approximately another 20 expected to by the end of July 2015. CAID will support police investigations into criminal activity related to indecent images of children by reducing the amount of time spent analysing and categorising images by identifying already known categorised images and most importantly speeding up the identification and safeguarding of victims.

## **Legislation**

New powers have also been created. The government introduced legislation which will allow police to require hotels and similar establishments in which they reasonably believe child sexual exploitation is taking place to provide information about guests, better equipping them to investigate sexual offences committed on the premises and close the net on paedophile rings.

The Data Retention and Investigatory Powers Act 2014 (DRIPA) provides a clear basis on which domestic communications companies can be required to retain certain types of communications data. The Director General of the NCA has identified this as the most powerful tool available to those investigating child sexual exploitation and identifying and safeguarding its victims and potential victims.

The Counter-Terrorism and Security Bill was introduced to Parliament (now the Counter-Terrorism and Security Act 2015). It includes provisions to enable the government to require communications service providers to retain additional data necessary to establish what individual, or at least what device, was using an IP address at a specific point in time. This will enhance law enforcement capabilities further in the investigation of child sexual abuse and exploitation online, and in the location of missing people.

The Government announced in December 2014 that it would introduce a new offence via the Serious Crime Bill so that it is always illegal for an adult aged over 18 to send a sexual communication to a child under 16 for the purpose of sexual gratification. The Bill which contained the new offence, already in place in Scotland since 2009, received Royal Assent and became the Serious Crime Act in March 2015.

## **National policing**

The Child Exploitation and Online Protection Centre (CEOP) was created in 2006. CEOP works with child protection partners across the UK and overseas to identify threats to children and coordinates activity to tackle these threats, to safeguard children and to bring offenders to justice.

Since 2013 it has formed one of the four commands of the NCA. Part of its remit is to focus on organised criminal groups profiteering from the publication or distribution of

child abuse images. It is able to support local police forces with funding for the forensic examination of computers and has specialist operational capacity to boost covert investigations and provide authoritative investigative advice and support<sup>80</sup>.

The NCA's National strategic assessment of Serious and Organised crime 2014 identifies child sexual exploitation and abuse as one of the highest priority threats facing the UK. Contact child sexual abuse and viewing and sharing of indecent images of children have been accorded the highest priority level in the NCA's National Control Strategy. The NCA through its national tasking role has designated the response to child sexual exploitation abuse the highest level national law enforcement priority.

The NCA-CEOP command provides local forces with intelligence to maximise the UK's response to crimes of child sexual abuse. It is also able to mobilise and target collective efforts against child sexual exploitation. This was most recently demonstrated by Operation Notarise, described earlier in this report, a large-scale enforcement operation against offenders accessing indecent images of children. A significant number of secondary investigations have started as a result of the discoveries made through Operation Notarise.

NCA-CEOP works alongside online and technology industries working in collaboration with them to minimise the risk of technology being used to assist in the sexual exploitation of children. Also, it has training and education specialists working to promote awareness of parents, carers and children on how to use the internet safely.

The government's action plan on tackling child sexual exploitation, published in November 2011, required ACPO to develop a national action plan for dealing with child sexual exploitation. The National Child Sexual Exploitation plan was finalised in January 2013<sup>81</sup> and forms the backdrop against which forces should take the issues forward at a local level.

The National Child Sexual Exploitation plan historically focused on child sexual exploitation in organised crime groups, gangs and peer on peer groups, but not online. It was recently reviewed to take into account the lessons and learning coming out of Rotherham and other trials involving multiple defendants and vulnerable victims of serious and protracted sexual abuse from across the county. The

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<sup>80</sup> An inspection of the National Crime Agency, HMIC, March 2015 stated that we 'found evidence that bringing the Child Exploitation and Online Protection Centre into the NCA as a command has secured improvements where they now use the Agency's network of international liaison officers, extensively and to good effect, in cases where potential offenders travel abroad to abuse children', page 67, paragraph 3.90.

<sup>81</sup> A non-restricted version of the plan is available at:  
[www.acpo.police.uk/documents/crime/2012/201210CSEplan.pdf](http://www.acpo.police.uk/documents/crime/2012/201210CSEplan.pdf)

amended action plan addresses the increased public, media and political concern about the unregulated areas of the internet, the proliferation of social networking sites and increased offending in this area. For the first time the action plan includes actions relevant to online child sexual exploitation facilitated through the use of the internet.

The College of Policing, the professional body for policing, issued authorised professional practice (APP) on safeguarding children and responding to child sexual exploitation in December 2013 and investigating child abuse in February 2014. The guidance was written after a number of high profile cases highlighted the need for a consistent approach to identifying risks and safeguarding children and young people from sexual exploitation. It is designed to raise awareness, increase reporting, and disrupt offender activity and to help protect children from being sexually exploited. It specifically highlights the risks associated with the internet and social media.<sup>82</sup>

In March 2015, the Association of Chief Police Officers (ACPO) was replaced by the National Police Chiefs' Council (NPCC). The NPCC will monitor and test force contributions to the Strategic Policing Requirement which now includes child sexual abuse.

The NCA and NPCC have worked together to create a national victim identification strategy which sets out requirements for all forces to follow and guidance to staff investigating indecent images of children cases.

In March 2015 funding was awarded to strengthen the law enforcement response to child sexual abuse through a network of regional police coordinators and analysts located in regional organised crime units. This new capability will be responsible for identifying child sexual abuse which is taking place across force boundaries and ensuring that organised offenders are tackled wherever they may offend. Recruitment is taking place and the new capability should begin to be available from June 2015.

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<sup>82</sup> College of Policing APP on Responding to child sexual exploitation:  
[www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/#internet-and-social-media](http://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/#internet-and-social-media)

## Annex E Glossary

caution	formal alternative to prosecution in minor cases, administered by the police or Crown Prosecution Service; to receive a caution you have to admit the offence in question; a caution is not a criminal conviction but could be used as evidence of bad character if you go to court for another crime, and can show on standard and enhanced Disclosure and Barring Service checks
child	any one person under the age of 18 years old
College of Policing	professional body for policing in England and Wales, established to set standards of professional practice, accredit training providers, promote good practice based on evidence, provide support to police forces and others in connection with the protection of the public and the prevention of crime, and promote ethics, values and standards of integrity in policing; its powers to set standards have been conferred by the Police Act 1996 as amended by the Anti-Social Behaviour, Crime and Policing Act 2014
cyber	relating to, or involving computers or computer networks or mobile devices
dark internet, dark web, dark net	parts of the internet that are not directly accessible by conventional means, such as well-known search engines; accessible via the surface internet through a software application; it provides those who engage in criminal activities online with the means to cloak their identity
distributing	section 1(2), Protection of Children Act 1978, states a person is to be regarded as distributing an image if he parts with possession of it to, or exposes or offers it for acquisition by, another person; distributing indecent images means the victim is subjected to further exploitation by others who are shown the results of the original offending
grooming	befriending and establishing an emotional connection with a child, and sometimes the family, to lower the child's inhibitions to child sexual abuse and deliberately establishing an emotional connection with a child to later abuse that child
high-tech crime unit	investigate crime committed over the internet and involving the use of computers and telecommunications equipment

image	in section 65, Coroners and Justice Act 2009, an image is defined as including a moving or still image (produced by any means), or data (stored by any means) which is capable of conversion into an image
intelligence	defined in the Authorised Professional Practice on information management as "collected information that has been developed for action"
National Crime Agency	non-ministerial department established under Part 1 of the Crime and Courts Act 2013 as an operational crime-fighting agency to work at a national level to tackle organised crime, strengthen national borders, fight fraud and cyber crime, and protect children and young people from sexual abuse and exploitation; it provides leadership in these areas through its organised crime, border policing and economic crime and Child Exploitation and Online Protection Centre commands, the National Crime Cyber Unit and specialist capability teams
National Police Chiefs' Council	professional association of police officers of assistant chief constable rank and above, and their police staff equivalents, in England, Wales and Northern Ireland; leads and co-ordinates operational policing nationally; formed on 1 April 2015, it replaced the Association of Chief Police Officers (ACPO)
national policing lead	senior police officer with responsibility in England and Wales for maintaining and developing standards and guidance for all police forces in respect of a particular area of policing
online	in this report, using a computer or telecommunications system, whilst connected to the internet
police and crime commissioner	elected entity for a police area, established under section 1 of the Police Reform and Social Responsibility Act 2011, who is responsible for: securing the maintenance of the police force for that area and ensuring that the police force is efficient and effective; holding the relevant chief constable to account for the policing of the area; establishing the budget and policing and crime plan for the police force; and appointing and, after due process, remove the chief constable from office
virtual world	online community shared by individuals so that they can interact in a simulated world