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# PRACTICE ADVICE ON INVESTIGATING INDECENT IMAGES OF CHILDREN ON THE INTERNET

## 2005

Produced on behalf of the  
Association of Chief Police Officers  
by the National Centre for Policing Excellence



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## PRACTICE ADVICE ON INVESTIGATING INDECENT IMAGES OF CHILDREN ON THE INTERNET

This document has been produced by the National Centre for Policing Excellence (NCPE) on behalf of the Association of Chief Police Officers (ACPO).

The NCPE was established by the Police Reform Act 2002. As part of its remit the NCPE is required to develop policing doctrine, including practice advice, in consultation with ACPO, the Home Office and the Police Service. Practice advice produced by the NCPE should be used by chief officers to shape police responses to ensure that victims, children and the general public experience consistent levels of service. The implementation of all practice advice will require operational choices to be made at a local level in order to achieve the appropriate police response.

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# PREFACE

The United Kingdom is one of the most frequent users of the internet across the world. The number of households with access to the internet is increasing on a weekly basis. Access to the worldwide web has fundamentally revolutionised communications and access to data. Inevitably this has led to a corresponding increase in the criminal use of the internet, including the publication of indecent images of children.

For the purposes of this document indecent images of children are 'still' or 'moving' images which are obscene or indecent, or which show the violent or sexual abuse of children. Producers and distributors of such material are able to reach a wider population with greater ease through the internet. Those wishing to view such images have immediate access within the privacy of their own home, rendering indecent images of children within easy reach of anyone so inclined.

This document provides investigators with practical advice regarding the investigation of indecent images of children on the internet or other computer systems. It recognises the particular challenges posed by this type of investigation, including the technical considerations of evidence gathering, the international nature of many investigations and the welfare considerations for both children and investigators.

The priority of the Police Service when responding to reports of indecent images of children is to prevent further abuse. This may be achieved as follows:

- By ensuring that staff are adequately trained to investigate reports of indecent images of children;
- By investigating reports of indecent images of children on the internet;
- By preserving evidence where a crime has been committed;
- By taking effective action against offenders who produce, distribute, access or store indecent images of children.

The legal obligations which underpin these responsibilities include the duties within the Human Rights Act 1998 and the European Convention on Human Rights to protect life and to protect individuals from inhuman and degrading treatment.

For chief officers the following strategic issues emerge from the guidance:

- Ensuring force policies are compatible with *Practice Advice on Investigating Indecent Images of Children on the Internet*;
- Ensuring that skilled specialists are available to support investigations relating to indecent images of children;
- Ensuring effective management of such investigations;
- Ensuring adequate welfare support for those officers and staff required to participate in such investigations.



# Section 1

## THE INVESTIGATIVE PROCESS AND LEGAL CONSIDERATIONS

**T**his section defines what constitutes indecent images of children in the context of the investigative process. It also identifies the principle legal considerations and offers an overview of the investigative process.

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## 1.1 INTRODUCTION

The *ACPO Guidance on Investigating Child Abuse* gives comprehensive advice on the investigative actions which should be taken when a child has been identified as a possible victim of abuse. Additional guidance on the technical procedures necessary to retrieve and store indecent images is also available in the *ACPO Good Practice Guide for Computer Based Electronic Evidence* produced by the National Hi-Tech Crime Unit (HTCU).

This document does not attempt to recreate the guidance given in the documents named above. It should be viewed as a supplementary document which provides additional practice advice on the investigative considerations specific to offences associated with the possession and distribution of indecent images of children found on the internet or other similar systems.

## 1.2 DUTY OF CARE

Cases of this nature involve disturbing images of children and the commission of offences against them. Investigators should, therefore, be mindful of their obligations towards the child subjects of such images over the course of the investigation. Investigators have a duty of care to protect the child from further harm and to demonstrate sensitivity towards the child at all stages of the investigation, including the controlling and handling of any indecent images.

Due to the disturbing nature of this work, investigating indecent images of children can be an emotional experience for staff. As a result some staff may not wish to work on such investigations. In these circumstances, staff should consult a supervisor who should take a sympathetic view of such requests. Supervisors should be mindful of the impact of the investigation on their staff and offer counsel accordingly. Should a supervisor be approached by a member of staff who requests that he or she is not involved in such an investigation, the member of staff should not be required to undertake the investigation except in the most urgent circumstances. Such requests may be made at the outset of the investigation or as a result of difficulties encountered during its progress. A record should be made of any request to be removed from the case and of the advice or decision given. The personal circumstances of the staff member making this request should also be recorded; this should be done non-judgementally and treated as 'in confidence'.

Supervisors and investigators who do remain on the investigation should remain sensitive to the impact of evidence and details of the case on their colleagues, including police officers and staff. All those involved in the investigation of child abuse should be aware of, and where appropriate make use of, the welfare services provided by their force. This includes staff not directly involved in the investigation but who may come into contact with potentially disturbing aspects of the evidence for example; transcribers. Where appropriate with the supervisor should discuss any emerging difficulties encountered by their staff and provide advice regarding welfare services available within their force. Supervisors should actively monitor those who undertake such investigations and offer support accordingly.

### 1.3 INDECENT IMAGES OF CHILDREN

For the purposes of this document, indecent images of children may be either still or moving images deemed to be indecent. Images may be created by any means including hand drawings, photographs, film or pseudo-photographs. A pseudo-photograph can be produced by combining various parts of other images, for example, the head from one image and the body from another.

Section 1 of the Protection of Children Act 1978 defines a child as under 18 years of age or where the predominant impression conveyed is that the person shown is a child, notwithstanding that some of the physical characteristics shown are those of an adult. This definition should be applied to the investigation of indecent images of children.

The term indecent is not defined by legislation and will be a matter for the court to decide. In cases of doubt investigators should consult the HTCU and the CPS who will be able to give an opinion as to the likelihood of an image being held to be indecent by a court.

The principal offences relating to this practice advice are:

- To take, or permit to be taken, or to make any indecent photograph or pseudo-photograph of a child (under 18 years of age) contrary to Section 1(a) Protection of Children Act 1978;
- To distribute or show such indecent photographs or pseudo-photographs, contrary to Section 1(b) Protection of Children Act 1978;
- To have in his possession such indecent photographs or pseudo-photographs with a view to their being distributed or shown by himself or others, contrary to Section 1(c) Protection of Children Act 1978;
- 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, contrary to Section 1(d) Protection of Children Act 1978;
- Publishing an obscene article or being in possession of an obscene article for publication or gain, contrary to Section 2 Obscene Publications Act 1959;
- Possession of an indecent photograph or pseudo-photograph of a child, contrary to Section 160 Criminal Justice Act 1988.

To assist investigators involved in the investigation of such offences [Appendix 1](#) provides a comprehensive list of the offences that are likely to be appropriate for dealing with those involved in the production, possession or distribution of indecent images of children.

Investigators should be familiar with the exact wording of the legislation which can be found on the HMSO website: [www.hmso.gov.uk](http://www.hmso.gov.uk). The Criminal Justice Act 2003 requires that the Crown Prosecution Service (CPS) be consulted concerning charges to be laid. In addition the CPS are also able to provide advice on the interpretation of the legislation in respect of any investigation.

The CPS also has hi-tech crime prosecutors for each force area who are specialist prosecutors for crimes involving digital media. Such are the complexities associated with many cases involving indecent images of children that investigators are advised to make use of this resource throughout the investigation.

In the context of such offences it should be noted that section 1B(1)(a) of the Protection of Children Act 1978 enables police officers and others legitimately engaged in the prevention, detection or prosecution of crime to possess indecent images of children in the course of their duties. As outlined above, the Protection of Children Act 1978 prohibits the 'taking or making' of an indecent photograph or pseudo-photograph of a child. 'Making' includes the creation of an electronic copy of a file containing indecent images of children. Section 46 of the Sexual Offences Act 2003 recognises that such copies may be necessary for those working to prevent, detect or investigate a crime. Therefore officers and members of the public may 'make' indecent images of children when they can prove that it was necessary to do so in order to further criminal proceedings. For further detail on this defence please see the *Memorandum of Understanding Between Crown Prosecution Service (CPS) and the Association of Chief Police Officers (ACPO)* concerning Section 46 Sexual Offences Act 2003.

The investigation of offences relating to indecent images of children on the internet can present a number of challenges not normally found in routine investigations. This is for two distinct reasons:

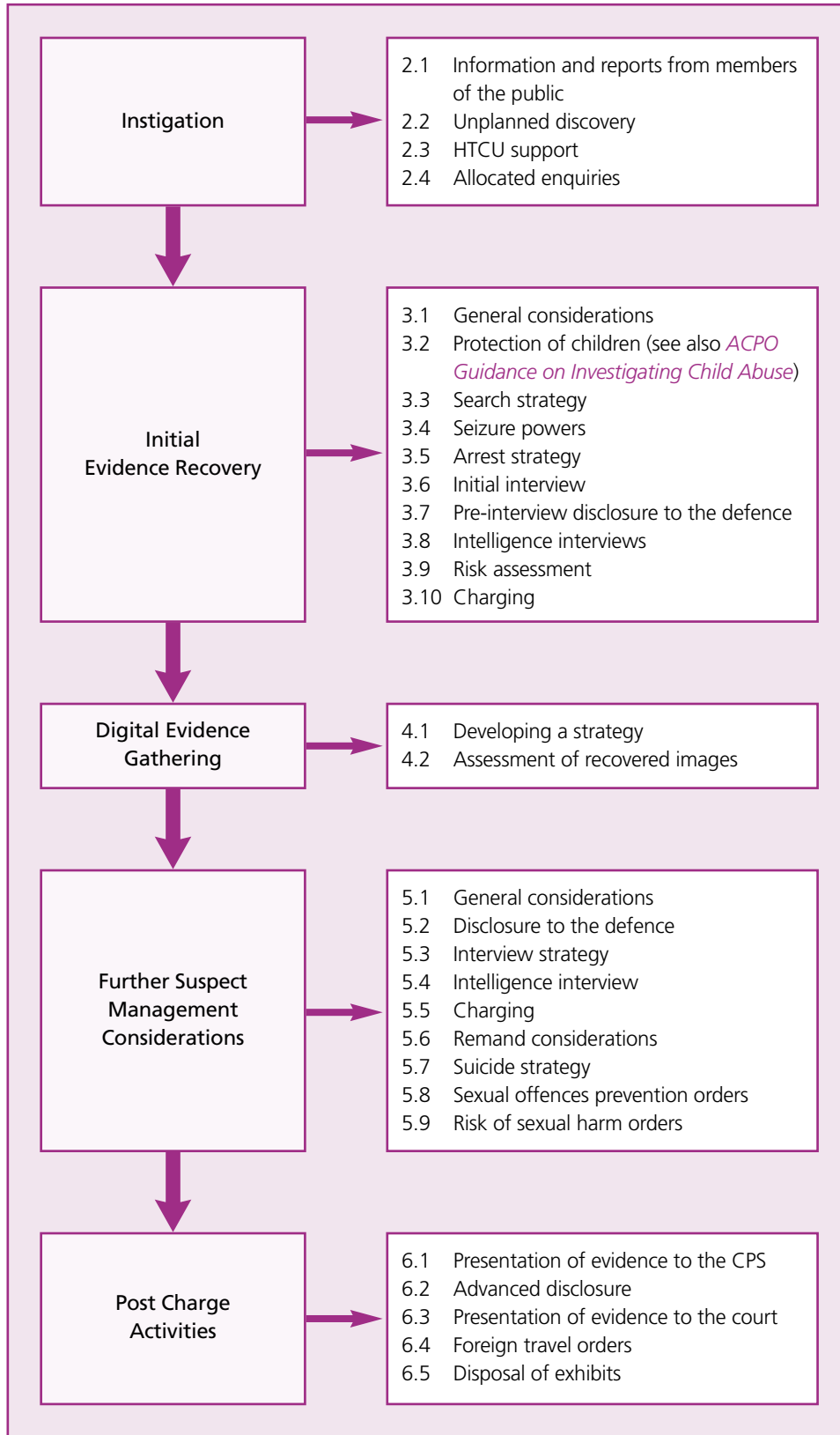
1. The need to recover computer evidence means that such investigations go through a number of distinct phases which differ from routine investigations into other crime types and;
2. A high level of technical expertise is required to gather evidence linking an offender to the images. This level of technical expertise is generally provided by an HTCUs or in some police forces by units specialising in indecent images of children.

In addition to providing a facility to gather evidence in accordance with the *ACPO Good Practice Guide for Computer Based Electronic Evidence, Version 3* HTCUs also maintain links with similar facilities in other police forces, Force Intelligence Bureaus (FIBs) and the National Crime Squad Paedophile On Line Investigation Team (NCS POLIT). These links ensure that intelligence is quickly disseminated throughout the Police Service and that new techniques and technologies are shared.

#### 1.4 THE PROCESS OF THE INVESTIGATION

To illustrate the process associated with this type of investigation, a process map has been developed to assist investigators. Subsequent sections of this document mirror the investigative stages as outlined in *Figure 1 Process Map* (opposite). The various stages of this process are documented in detail in sections 2, 3, 4, 5, 6.

FIGURE 1 Process Map



The *ACPO Guidance on Investigating Child Abuse* and the *ACPO Good Practice Guide for Computer Based Electronic Evidence* should be consulted for further information on procedures not outlined in this document.

## MANAGEMENT ISSUES:

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- Managers allocating investigations involving indecent images of children have a duty of care. No officer or member of staff should be forced to undertake such investigations and those who do so should be monitored and offered welfare support. Managers should also take account of the requirements of the Health and Safety legislation and of the relevant provisions (Article 8 – covering protection of the individual's physical and moral integrity) of the European Convention on Human Rights/Human Rights Act 1998.
- Ensure investigators utilise specialist resources such as HTCUs, NCS POLIT, the National Hi-Tech Crime Unit, NCIS and specialist CPS lawyers.
- Officers allocated to investigations associated with indecent images of children on the internet should be made aware of the relevant legislation associated with such investigations.

# Section 2

## THE INSTIGATION OF AN INVESTIGATION

**T**his section details the police response to receiving reports of indecent images from members of the public. It also provides advice to investigators who discover indecent images during the course of their duty, or who have been allocated an intelligence package to investigate offences of this nature.

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## 2.1 INFORMATION AND REPORTS FROM MEMBERS OF THE PUBLIC

Reports of indecent images of children on the internet may be received from members of the public either by telephone, email or in person. Where these reports are accompanied by digital or printed copies of indecent images of children, these should be seized.

In all cases a detailed statement should be obtained. It will assist those who investigate the offence if the following information is included in the statement:

- The identity of any other material witnesses;
- The name of the internet service provider (ISP) or mobile telephone service provider in the case of images received through a telephone;
- If known, the web address, name of the chat room or online group through which the image was found or received;
- Any passwords or other procedure required to gain access to the website;
- If known, the identity of the person who sent the image;
- In the case of emails, the sender's email address or the screen name used by the sender while in a chat room;
- The reason for any delay in reporting the incident to the police (this will assist investigators to determine if the person reporting has committed any offence in relation to the image).

Seized images should be placed in a sealed envelope to prevent accidental viewing and stored in a secure location. Thereafter access to the material should be recorded. If investigators are unsure how to package and store computer disks, mobile telephones, electronic organisers or other seized items containing the digital image, they should seek advice from their force HTCUC or a supervisor.

The computer or other device that received the indecent images of children may contain additional evidence that can only be recovered through specialist digital examination and this should be arranged with the HTCUC if appropriate.

## 2.2 UNPLANNED DISCOVERY

Officers undertaking day to day policing activities such as searching offenders or premises on unrelated matters may discover evidence of possession, collection or distribution of indecent images of children.

Relevant material could include printed pictures from a computer, handwritten notes referring to children's ages, internet chat room names, magazines relating to children and legal and academic material concerning paedophilia. There may also be indications of an interest in children which may not seem in keeping with the suspect's circumstances, for example, a single person with no child relatives who keeps a playroom for no apparent reason.

Investigators should be aware of devices, in addition to discs, that have been developed to store digital media. These devices include: watches, pen drives (storage devices which can look like key fobs), wireless storage to remote devices such as printers or personal data assistants or certain mobile telephones.

If officers are unsure about handling these devices and the images are suspected to be stored on a computer or other storage device, they should seek advice on methods of seizure from the HTCUC. In other circumstances the images or digital media upon which they are stored should be seized and packaged in a sealed envelope and stored in a secure location, see the *ACPO Good Practice Guide for Computer Based Electronic Evidence, Version 3*.

### 2.3 HI-TECH CRIME UNIT SUPPORT

Hi-Tech Crime Units investigate or assist in the investigation of suspected crimes involving computers. In addition some police forces have specialist units which deal exclusively with indecent images of children. Both units are composed of police officers and other investigators specifically trained to support investigators by examining digital evidence in accordance with the principles contained in the *ACPO Good Practice Guide for Computer Based Electronic Evidence, Version 3*. All seized material should be sent to the HTCUC for further analysis and for the development of an intelligence package.

The HTCUC and other specialist units dealing with indecent images of children make use of the coordinating function of the NCS POLIT team. Investigators who need to contact the POLIT team should do so through their Hi-Tech Crime or other specialist unit, or the force nominated single point of contact.

### 2.4 ALLOCATED ENQUIRIES

In the majority of cases, an investigation concerning indecent images of children on the internet will begin with the allocation of an intelligence package.

An intelligence package will be generated either by POLIT or the force HTCUC. The level of detail in each package will be variable but is likely to include the following information, if available and relevant:

- The suspect's personal details, such as name, date of birth, address;
- Marital status;
- Parental status;
- Employment status;
- A brief summary of the circumstances of his or her discovery;
- A brief summary of their online behaviour leading to the suspicion of a criminal offence;
- Screen names and nicknames attributed to the suspect;
- Credit card transactions;
- Times and dates of specific incidents;
- Contact details of the officer initiating the intelligence package.

In addition to the intelligence relevant to the offence and the suspect, the package should contain a risk assessment. This will include an assessment of the suspect's potential to commit a contact offence, eg actual abuse of a child. An example could be someone who has regular unsupervised contact with a child. A high-risk example such as this, or where a child can be identified, should be subject to fast track action and not be allocated as a routine enquiry.

If there is no such risk assessment the package should be returned to the originator with a request that a risk assessment be completed.

Once the package has been allocated, officers should constantly assess new information generated by the investigation to ascertain if it indicates that the child, the suspect or the location can be identified. If this is the case, officers should investigate the offence in accordance with the guidance contained in the *ACPO Guidance on Investigating Child Abuse*.

#### MANAGEMENT ISSUES:

- Ensuring the use of appropriate procedures and storage facilities for indecent images, prior to transportation to examination locations. These procedures should take account of privacy and other human rights issues under the Human Rights Act 1998.



# Section 3

## INITIAL EVIDENCE GATHERING

**T**his section emphasises the importance of using practical risk assessments in investigations to protect children. It covers specific issues relating to searching for evidence, the arrest and interview of suspects, charging and using intelligence interviews.

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### 3.1 GENERAL CONSIDERATIONS

Intelligence packages allocated for investigations are likely to identify individuals who have accessed indecent images of children over the internet or similar systems, such as peer to peer technology which connects computers to each other. The initial evidence recovery stage of the investigation is intended to secure evidence of possession of such images, and to identify the role played by suspects in the production, possession and distribution of indecent images of children. In most cases this will involve a search of the premises associated with the suspect to recover the computer used to download the images and any storage media, such as floppy disks or CDs on which images may be stored.

In many cases the intelligence will provide reasonable grounds to justify the arrest of suspects for an identified offence. Although the full extent of their involvement in offences connected to indecent images of children may not be known at this stage, the opportunity to make an arrest should be taken where it is legally justifiable. This will enable an early interview to take place, under caution, to gather information that may assist the investigation. Furthermore it will also assist the enquiry to establish the degree of risk that suspects pose to children.

Investigators should note the suspect's lifestyle, hobbies or interests, as these may provide an indication of passwords or pass phrases used by the suspect thereby enabling access to the images on the suspect's computer. Examples could include names of pets, relative or significant locations, memorable dates or words associated with hobbies or pastimes. Written notes or post-it tabs around the suspect's property may provide additional indications of passwords or pass phrases. Investigators should make appropriate notes on potential passwords or phrases but should not attempt to access computers or storage devices unless appropriately trained. Officers should refer to local training and operational policies for further information.

Investigators should be aware that taking such notes should not be unnecessarily intrusive or cover areas that are not directly connected with the investigation. When obtaining this information, consideration should be given to article 8 of the European Convention on Human Rights (right to respect for private and family life). An infringement may result in evidence being excluded at court.

### 3.2 THE PROTECTION OF CHILDREN

Where police forces are confronted with a number of intelligence packages to be investigated, or if there is likely to be a delay in actioning a package for any reason, a risk assessment of the likelihood of the suspect having access to children should be carried out. Where it is thought likely that a suspect has access to children, the intelligence package should be actioned immediately and the assistance sought of specialist trained officers from the Child Protection or Family Protection Unit.

It is essential that a supervisor oversees the risk assessment process. Supervisors should validate the risk assessment and use this to prioritise tasking. The risk assessment should record the rationale behind the making of a particular decision, or the decision on where to place the case within the priority listing. Where a risk assessment indicates a high risk, which cannot be resourced, the matter should be referred immediately to a senior officer for consideration.

### 3.3 SEARCH STRATEGY

It is likely that those who download indecent images of children from the internet may take some steps to conceal their activities from others living or working in the same premises. They may also adopt strategies to conceal material in the event of a police search.

Investigators undertaking searches should be aware of the various media on which indecent images of children can be saved and the ways in which storage media may be concealed. One example could be a compact disc containing indecent images of children disguised as a music compact disc within a collection. There is also the possibility that a concealed computer with a wireless connection to the internet may be used to distribute or access images.

Searches for evidence should, therefore, be meticulously planned and carried out in conjunction with members of the HTCUC. The HTCUC know the technical opportunities used to conceal such material. They also have intelligence on concealment methods adopted by suspects in other cases. If there is a suggestion that concealment methods may have been used by the suspect, the use of Police Search Advisor (PoSA) trained officers should be considered at this stage. Those who download indecent images of children from the internet may also possess such images on video, DVD or in printed format. Search strategies should, therefore, include such material.

Where indecent images of children are subsequently recovered from seized material, investigators from the HTCUC will try to establish the identity of victims, offenders and locations shown in them. They will be assisted in this if the interiors of all searched premises have been video recorded or photographed during the search and photographs of children which are not indecent (eg, a school photographs) have been copied. A digital photograph taken of the original in situ will be adequate for this purpose.

Encryption software allows incriminating text and images to be encoded. Encoded images or text cannot be recovered during the digital examination phase without the passwords. Investigators are advised to obtain passwords or pass phrases at an early stage from anyone who may have knowledge of them, although there is no statutory power to make such a demand. Where a suspect cannot or will not provide the required password or pass phrase, investigators may be able to use key words based on the suspect's lifestyle, hobbies or interests to access incriminating images and text.

Passwords or pass phrases may also be recorded in other locations associated with the suspect. Examples could include passwords used at their place of work or recorded within traditional or electronic diaries. Digital examination of an encrypted file(s) may include the use of specialist examiners to obtain the password or pass phrase. Without this information, accessing encrypted files is difficult to achieve, if not impossible.

### 3.4 SEIZURE POWERS

Where investigators suspect that indecent images of children are stored in a computer or on storage media and it is not reasonably practical for it to be examined in the place where it is found, section 50 of the Criminal Justice and Police Act 2001 permits a police officer to seize bulk material and examine it in another location. The packaging, removal and storage of seized computers and computer media should be carried out under the guidance of investigators from the HTCUC.

### 3.5 ARREST STRATEGY

Before deployment, officers should be fully briefed on their legal powers of arrest and search, in relation to offences associated with indecent images of children. The briefing should include the specific powers to search associated with the execution of a warrant and those attributed to powers to search after arrest.

Suspects are more likely to cooperate with a police investigation when a rapport is built up with one or more of the investigators, or with staff who oversee their detention. As a consequence, those who will arrest, search and escort the suspect to the custody area should be identified beforehand. Each officer assigned to a key task, such as transporting or presenting the suspect to the custody officer, should undertake all subsequent key roles within their task which require contact with the suspect.

Each task should be undertaken by separate staff, for example, officers involved in search duties should not be involved in the arrest procedure. This will assist in protecting the integrity of the evidence and the investigative process.

All officers who are likely to come into contact with the suspect, including custody staff, should be briefed not to use any potentially inappropriate comments or language such as 'Nonce' or 'Paedophile', as this may increase a suspect's defensiveness and reduce the chance of cooperation with the investigating officers.

The use of marked vehicles to attend the suspect's premises or to transport them may have a detrimental effect on their willingness to cooperate with the investigation. The use of such vehicles should, therefore, be avoided.

### 3.6 INITIAL INTERVIEW

Where possible, investigators from the HTCUC should form part of the interview team. This will enable any technical issues to be dealt with as they arise during the interview, and may reduce the number of interviews required. It is recommended that the lead interviewing officer is 'advanced interview trained', as described within the *ACPO Investigative Interviewing Strategy*.

Interviewing a suspect prior to the digital examination of seized storage media provides an opportunity to establish specific information such as the ownership of the computer and who has access to it. Investigators need to establish who was operating the computer at the time that indecent images of children were downloaded, suspect's access to other computers, storage devices or networks, use of wireless networks, type of virus protection or firewall used and the length of time this security protection has been in place.

Although there is no statutory power to demand passwords from a suspect, the interviewers should, nonetheless, request them as these will provide strong evidence of the suspect's connections to the images. They will also assist in the examination of the material.

The following information should also be sought during interviews:

- The length of time suspects have owned or possessed the computer;
- The suspect's level of experience in using the internet;
- The method used to download images;
- How the suspect stores images (this may assist in establishing whether the suspect intended to store images away from the computer or to distribute the images to others on disc. The meticulous cataloguing and recording of images may also assist in establishing intent);
- The name of the internet service provider, known as the ISP (this is required to enable further enquires with the ISP and to obtain evidence from their servers);
- How the suspect connects to the internet, for example, via cable TV or telephone lines (this allows investigators to explore the connection between the suspect and the indecent images via the method of internet connection);
- The suspect's email addresses (it may be necessary to apply to the ISP to suspend the suspect's email account(s) so that potential evidence is not lost);
- The type of activity suspects normally undertake on the internet (a comparison can then be made with their stated use of the internet and the computer's record of their actual use. This may confirm or deny the suspect's account);
- Passwords used for operating systems and files;
- Name(s) of encryption programme(s) used;
- Password or pass phrases used in encryption programmes.

### 3.7 PRE-INTERVIEW DISCLOSURE TO THE DEFENCE

There is no legal obligation for an investigating officer to disclose to a legal representative all the evidence to be put to the suspect prior to interview. The courts have held that what is required is that the suspect and their legal representative are provided with 'appropriate information'.

Section 28 of the Police and Criminal Evidence Act 1984 (PACE) requires that the suspect be informed of the nature of the offence for which they have been arrested and the reason for the arrest. The decision as to what additional information is to be disclosed prior to an interview is determined by the investigating officer based on the circumstances of each individual investigation.

In the case of *R v Paul James Nottle* (2004) EWCA Crim 599 the court held;

'...the police were not obliged to disclose every piece of evidence they had.... There are, we understand, no rules or established procedure about this [pre-interview] disclosure. The quality and quantity of disclosure will depend on the case. The officer must assess the risk of giving inadequate disclosure, namely that no adverse inferences will be drawn.'

### 3.8 INTELLIGENCE INTERVIEWS

Where possible, investigators should consider the benefits of intelligence interviews, which can be conducted according to, but are distinct from, interviews under the PACE, to gather information about others involved in child abuse or the production, possession and distribution of indecent images of children on the internet.

An example of an intelligence interview debrief, as used by West Midlands Police, indicates the type of information that should be sought by officers during intelligence interviews, see [Appendix 3](#). This aide-memoire includes advice on how such interviews can be conducted in accordance with PACE.

### 3.9 RISK ASSESSMENT

At the conclusion of the initial evidence recovery stage officers should carry out a risk assessment to establish if any of the information gathered indicates that a victim, offender or location where abuse has taken place can be identified. If so, immediate action should be taken to investigate further. Guidance is available from the *ACPO Guidance on Investigating Child Abuse*.

### 3.10 CHARGING

Following the published guidance of the Director of Public Prosecutions (May 2004) and in accordance with the requirements under the Criminal Justice Act 2003, the duty CPS solicitor and the investigating officer will decide whether the offender should be charged at this stage, and if so, with what offences.

Unless there are compelling reasons to charge the suspect at this point, for example, to request a remand in custody in order to protect children, charges should be delayed pending the outcome of the examination of the seized material. This will ensure that the charges accurately reflect the full extent of the suspect's involvement with the indecent images of children. Where charges are considered necessary at this stage, officers should consult the CPS. They should also liaise with the HTCUC to establish realistic timescales within which evidence can be recovered from the seized material.

Where suspects are not charged they should be bailed to return to the police station on a date which provides sufficient time for the HTCUC to examine the seized material.

#### MANAGEMENT ISSUES:

- To assist in the identification of victims, offenders and locations, a policy should be encouraged of photographing and/or videoing the searched premises where it is alleged that children have been abused and possibly photographed. This would include the location from where a person is suspected of downloading, collecting or distributing such images.
- When a risk assessment categorises a case as High Risk and it cannot be immediately resourced, a senior officer should be informed.
- Staff undertaking risk assessments within such investigations should be appropriately trained and skilled to carry out the task and be able to evidence their competence to a court.
- A policy encouraging the legitimate use of intelligence interviews should be developed, if one does not already exist.

# Section 4

## DIGITAL EVIDENCE RECOVERY

**T**his section advises on the development of a digital evidence recovery strategy between the HTCUC and the investigating officer. This strategy should recognise that investigations will involve dealing with large numbers of indecent images. These require a systematic method of assessment, while maintaining the protection of children as a priority.

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## 4.1 DEVELOPING A STRATEGY

Following the initial evidence gathering phase of the investigation, an evidence recovery strategy should be developed with the HTCUC to maximise the amount of evidence recovered from the seized material. The investigating officer or senior investigating officer is responsible for recording the agreed evidence recovery policy in the case papers, usually in the form of a policy file entry.

The purpose of this strategy should be to:

- Recover indecent images of children;
- Recover evidence linking the suspect to the images;
- Identify the origin of those images;
- Identify victims, offenders or locations from those images;
- Identify others who may have been involved in their production, possession and distribution;
- Identify others who may have been or who are still involved in the abuse of children.

The strategy should cover the following:

- The physical conditions under which seized material is to be stored if there is to be any delay before its submission to the HTCUC;
- The timescales for examination;
- The extent of the examination. All of the material seized should be examined to reveal the full extent of the suspect's offending behaviour, including any evidence of the physical abuse of children. The decision to carry out a partial examination of the material should only be taken following consultation with supervisors and the reasons for the decision recorded in the policy file;
- How the disclosure of potential evidence, which has not been digitally examined but has been classed as unused material, will be made in accordance with the Criminal Procedure and Investigations Act 1996;
- How other non-digital material is to be examined (eg video tapes and written material);
- Briefing procedures to ensure that the investigating officer, the HTCUC and any others involved in the examination of non-digital material share information during the examination process.

The examination itself should be carried out in accordance with the ACPO principles described in the *Good Practice Guide for Computer Based Electronic Evidence, Version 3.0*. These principles must be adhered to by all HTCUCs.

## 4.2 ASSESSMENT OF RECOVERED IMAGES

As a matter of routine the HTCUC will assess any recovered images to establish if the victim, offender or location of the offence can be identified. In doing so they will consult the ChildBase database maintained by POLIT which holds previously recovered images and, where known, the identity of victims and offenders.

It is the responsibility of investigating officers to continually review the information coming into the enquiry, to establish whether a victim, offender or location can be identified. Where an individual or location can be identified appropriate action should be taken.

When assessing an image to identify victims, offenders or locations, investigators should be mindful that while virtual or pseudo images are created by collectors, indecent images are of real children.

As the majority of child abuse is committed by offenders closely connected to the victim, a critical starting point in identifying potential victims are locations connected with a suspect. Investigators should pay close attention to the locations shown in images and compare them with those which are known to be associated with the suspect. Detailed analysis of the locations such as furnishing, decorations and light sources, for example, may also prove to be important evidential features in due course.

Locations may include the suspect's:

- Home(s);
- Work place(s);
- Holiday homes including caravans and houseboats;
- Places known to be visited, such as rural beauty spots or hotels;
- Vehicle(s);
- Sheds and garages.

Other features of images which may prove useful in identifying victims, offenders or locations are:

- Indications within the image that suggest it was produced in the UK (eg television screen displaying programmes associated with particular locations or times, publications, light fittings, three pin plug sockets, product packaging);
- Anything in the image that indicates when it was taken (eg calendars, posters, watch faces or clocks indicating time of day);
- Anything in the image that uniquely identifies an individual (eg marks, scars, tattoos);
- Where a moving image file is being considered, any distinguishing sounds relating to the persons or location (eg recognisable accents, speech, mannerisms, terms used, distinctive noises outside the premises).

Black and white images and dated interior decoration do not automatically mean that the images are old but could indicate poorly maintained premises, or images from less developed parts of the world.

Images from some states of the former Soviet Union are known to give the impression of dated abuse. Where victims, offenders or locations are identified, immediate action should be taken to investigate further using the *ACPO Guidance on Investigating Child Abuse*.

### 4.3 RECOVERED EVIDENCE

As a result of the evidence recovery strategy, officers should have a clear knowledge of the number and types of indecent images of children produced, possessed and/or distributed by the suspects, including the times and dates of the offences. This should enable officers to plan further interviews of suspects, see [5.3 Interview Strategy](#).

### 4.4 THE COPINE SCALE

Indecent images of children can depict various actions or activities, not all of which may depict or be evidence of a criminal offence.

When assessing a suspect's collection of images, the COPINE scale of grading from level 1 to 5, is used. This scale has been adopted by all agencies involved in the investigation and prosecution process (see [Table 1 The COPINE Scale](#)). Although originally developed for use in academic study, this scale was recommended as the standard method of grading images in August 2002 by the Sentencing Advisory Panel. The COPINE scale provides a consistent method of assessment of indecent and decent images which will assist the image examiner and the investigator to identify the level of the suspect's offending in relation to the images. By referencing each image using the COPINE scale there is no requirement to describe in detail the actual content of the image, merely the grading.

Where an investigation has a significant number of images to be assessed, use of the ChildBase database, maintained by POLIT, will compare similar images previously viewed and graded with the newly submitted images, which may reduce the overall number of images to be assessed during the current investigation.

Reference to the agreed COPINE scale grading system assists the court in providing a consistent judgement during the sentencing phase of a trial.

TABLE 1 The COPINE Scale

Level	Description	COPINE Typology
1	Images depicting nudity or erotic posing, with no sexual activity	Nudist (naked or semi-naked in legitimate setting/sources) Erotica (surreptitious photographs showing underwear/nakedness) Posing (deliberate posing suggesting sexual content) Erotic posing (deliberate sexual or provocative poses) Explicit erotic posing (emphasis on genital area)
2	Sexual activity between children, solo masturbation by a child	Explicit sexual activity not involving an adult
3	Non-penetrative sexual activity between child(ren) and adult(s)	Assault (sexual assault involving an adult)
4	Penetrative sexual activity between child(ren) and adult(s)	Gross assault (penetrative assault involving an adult)
5	Sadism or Bestiality between child(ren) and adult(s)	Sadistic/bestiality (sexual images involving physical pain or animals)

The original COPINE scale was submitted to the Sentencing Advisory Panel as a reference point for assessing the severity of indecent images. The scale was subsequently revised by the panel. Whilst the revised scale includes the Sentencing Advisory Panel levels it is still widely known as the COPINE Scale and so will be referred to as such throughout this document.

### MANAGEMENT ISSUES:

- Investigating officers should ensure that policy file and decision log entries clearly articulate a strategy for maximising the evidence recovered from seized material. In particular, the rationale for not examining any material should be recorded.
- Officers involved in the assessment of indecent images should be suitably trained to use the COPINE Scale.

# Section 5

## FURTHER SUSPECT MANAGEMENT CONSIDERATIONS

**T**his section describes the key functions associated with suspect management.

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## 5.1 GENERAL CONSIDERATIONS

In some circumstances suspects will be given police bail while the recovery of digital evidence is completed. Officers may need to consider whether there is sufficient evidence for a holding charge pending further investigation. This will allow for the imposition of more stringent bail conditions on suspects who pose a threat to children. Forces may have liaised with their local CPS office to develop standard bail conditions for use with those person charged with making, distributing or possessing indecent images of children. Such conditions may include restrictions on the use of computers or multimedia devices and may limit contact with children. These should be applied where appropriate. Under the Criminal Justice Act 2003 the police must liaise with the CPS to determine the precise charge to be laid. For more detail on charging standards please see the *ACPO Practice Advice on Core Investigative Doctrine*.

When the suspect surrenders to bail it is likely that they will be arrested and interviewed about the material recovered during the evidence recovery phase of the investigation. Officers should give consideration to the manner of the suspect's arrest and detention as detailed in *3.5 Arrest Strategy*.

## 5.2 DISCLOSURE TO THE DEFENCE

For further information on disclosing indecent images of children to the defence prior to the suspect interview, see *3.7 Pre-interview Disclosure to the Defence*.

## 5.3 INTERVIEW STRATEGY

An interview strategy should be based on a considered evaluation of the available material. For further information on interview development strategy, see *3.6 Initial Interview*. Additional detail may be found in *ACPO Investigative Interviewing Guidance* and the *NCPE Practical Guide to Interviewing*.

There may be occasions where the services of a clinical psychologist may be of assistance when making strategic decisions concerning what evidence to introduce and when to introduce it. Advice on the use of such techniques is available from the National Centre of Policing Excellence (NCPE) Operations Helpdesk.

## 5.4 INTELLIGENCE INTERVIEWS

Where appropriate, investigators should consider the benefits of intelligence interviews to gather information about others involved in child abuse and/or the production, possession and distribution of indecent images of children on the internet, see *3.8 Intelligence Interviews*.

## 5.5 CHARGING

The Criminal Justice Act 2003 places an obligation on police forces to refer cases to the CPS at an early stage. The CPS provide advice about the nature of the material that would be evidentially sufficient and the appropriate charge(s).

Investigations involving a large number of images can result in a significant number of similar charges. In these circumstances, the CPS have advised that following the examination of the recovered images a suspect should be charged with sixteen offences. Fifteen of these should reflect a cross sample of images on the COPINE scale and the sixteenth should encompass the possession of all the images. Charging should not take place until the case has been discussed with the CPS who will decide which images meet the evidential test.

## 5.6 REMAND CONSIDERATIONS

Where someone is charged with an offence of production, possession and/or, distribution of indecent images and has been remanded on bail to appear at court consideration must be given to imposing bail conditions to protect children.

Restrictions could be considered that prohibit the bailed person from using the internet, from associating with other known offenders or associating with named or unnamed children who are under 18 years of age.

## 5.7 SELF-HARM STRATEGY

Suspects in custody in connection with investigations into the production, possession or distribution of indecent images of children may pose a high risk of attempting to self-harm. To enable custody officers to make balanced risk assessments of the likelihood of a suspect committing self harm while in custody, investigating officers should inform custody officers of any comments or behaviour indicating a suspect's intention to self-harm or of any suspicions that they may have about a suspect's state of mind.

When making bail decisions custody officers should take into account section 3 (6) of the Bail Act 1976. This enables suspects to be remanded on conditional bail for their own protection, however, the risk to children from the person charged must always be a priority in bail considerations.

Suspects should be provided with information on where they might seek advice and help. Some police forces have designed simple question and answer leaflets which can be offered to the suspect, see [Appendix 4](#).

Consideration should be given to placing appropriate markers on the Police National Computer and incident response systems such as Command and Control or Computer Aided Despatch. These markers should include the named person, their place of residence and vehicle details.

## 5.8 SEXUAL OFFENCES PREVENTION ORDERS

Where a suspect has a previous relevant conviction, a Sexual Offences Prevention Order (SOPO) under the Sexual Offences Act 2003 may be applicable. This is a civil preventative order enabling magistrates to place conditions on the suspect's behaviour.

A Sexual Offences Prevention Order may include a curfew, restrictions on the locations that the person named in the order can visit or the behaviour that they can engage in. Applications are subject to the civil standard of proof. If the necessary conditions required to apply for a Sexual Offences Prevention Order are not fulfilled, an Anti-Social Behaviour Order could be considered. A person who breaches a Sexual Offences Prevention Order without reasonable excuse commits a civil offence for which there is a power of arrest.

## 5.9 RISK OF SEXUAL HARM ORDERS

Sections 123 to 129 of the Sexual Offences Act 2003 allow for a Risk of Sexual Harm Order (RSHO) to be applied for at magistrates' court against a person who does not have a prior conviction for a sexual offence, but who has engaged in certain activities specified within the act. This is a civil preventative order enabling magistrates to place conditions on the suspect's behaviour. The behaviour to be prevented is required to be sexual in nature. Sharing a hobby with a child, for example, is insufficient for a Risk of Sexual Harm Order.

Conditions restricting the activities of the person named in a Risk of Sexual Harm Order can be similar to those within a Sexual Offences Prevention Order. A person who breaches a Risk of Sexual Harm Order without reasonable excuse commits a civil offence for which there is a power of arrest.

### MANAGEMENT ISSUES:

- Standard bail conditions should be developed detailing restrictions on the use of computers or multimedia devices for those persons charged with offences involving indecent images of children.
- The use of intelligence interviews should be considered in accordance with the advice provided in this document.
- The inclusion of a self-harm strategy should be encouraged in all cases involving persons charged with offences involving indecent images of children. The strategy should have regard to Article 2 of the European Convention on Human Rights.

# Section 6

## POST-CHARGE ACTIVITIES

**T**his section describes the tasks that should be undertaken after a suspect has been charged.

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## 6.1 PRESENTATION OF EVIDENCE TO THE CPS

Offences relating to the production, possession and distribution of indecent images of children have no special requirements for the submission of evidence to the CPS. The CPS, however, will allocate the case to a prosecutor who is experienced in the prosecution of computer based crime.

The prosecutor is unlikely to require copies of the indecent images of children and will prepare the case based on the guidelines within the Memorandum of Understanding between ACPO and the CPS, and the assessment criteria based on the COPINE scale.

The HTCUs develop local viewing arrangements with the CPS. Where the viewing of images is necessary, this should be arranged through the HTCUs. Officers from the HTCUs are required to record the presentation procedure to the CPS in accordance with the agreed local arrangements.

## 6.2 ADVANCED DISCLOSURE

Copies of indecent images are not provided to the defence but are described on the disclosure schedule using the COPINE scale. Should the defence require access to the images as part of the disclosure process, the defence are required to make an application to the court. If the officer in the case is directed by the court to show the images to the defence, the HTCUs should be contacted to ensure that the images are viewed under strictly controlled conditions, and according to the local viewing arrangements agreed with the CPS.

## 6.3 PRESENTATION OF EVIDENCE TO THE COURT

Where it is necessary for courts to view images, officers should liaise with the HTCUs. Each HTCUs will have local arrangements to enable images to be viewed during court proceedings.

## 6.4 FOREIGN TRAVEL ORDERS

Section 114 to 122 of the Sexual Offences Act 2003 allows for a Foreign Travel Order to be applied for at magistrates' court against a person who has been convicted of certain sexual offences against children. These offences are specified in the act.

This is a civil preventive order enabling magistrates to prevent the person named in the order from travelling abroad where there is sufficient evidence that they intend to commit sexual offences against children. A Foreign Travel Order can be applied for at the same time as a Sexual Offences Prevention Order or a Risk of Sexual Harm Order. A person who breaches a Foreign Travel Order without reasonable excuse commits a civil offence for which there is a power of arrest.

## 6.5 DISPOSAL OF EXHIBITS

As there is no effective way to guarantee that indecent images of children have been permanently removed from computers or storage media, they should not be returned to those from whom they were seized. On conviction a forfeiture order should be applied for which should cover not only the images but all the material used in the production, possession and distribution of indecent images of children. It is also good practice to obtain a notice disclaiming ownership from suspect at the time of charge which will enable material to be properly disposed of in the event of an acquittal. HTCUs will be able to give advice on local procedures for the disposal of seized property.

### MANAGEMENT ISSUES:

- Consider applying for a forfeiture order of storage media to store indecent images of children.
- Application to the courts for forfeiture orders of stored media containing indecent images of children should be actively considered in consultation with the CPS.
- Application to the courts for Foreign Travel Orders under the Sexual Offences Act 2003 should be considered if deemed appropriate.



# APPENDIX 1

## POTENTIAL OFFENCES

Appropriate offences for dealing with those involved in the production, possession and distribution of indecent images of children.

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

Offence: Taking, permitting to be taken or making any indecent photograph or pseudo-photograph of a child under 18 years of age.

### **Section 2 and 3 Child Abduction Act 1984**

Offence: Child Abduction, ie encouraging a child to go somewhere their parent(s) or they themselves would not have agreed to, had they known the facts.

### **Section 160 Criminal Justice Act 1988**

Offence: Possession of an indecent photograph or pseudo-photograph of a child.

### **Section 1 Malicious Communications Act 1988**

Offence: Sending indecent or grossly offensive letter or article of any description, electronic or otherwise.

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

Offence: Causing or inciting a child to engage in sexual activity, eg a child is caused or incited to masturbate or strip.

### **Section 11 Sexual Offences Act 2003**

Offence: Engaging in a sexual activity in the presence of a child such as masturbating to a child, eg via a web cam or place where conduct is known to be seen by children.

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

Offence: Causing a child to watch a sexual act, eg via a web cam.

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

Offence: Arranging or facilitating commission of a child sex offence, eg arranging to personally meet or for another to meet a child anywhere in the world in order to commit a sexual offence against a child.

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

Offence: Meeting a child following sexual grooming, Sexual grooming is defined as having met or communicated with the child on at least two occasions with the intention of gaining the child's trust in order to facilitate the commission of a relevant offence. The defendant must travel to the prearranged meeting with the intent to commit the act during or after the meeting with the child.

### **Section 48 Sexual Offences Act 2003**

Offence: Causing or inciting child prostitution or pornography. The child may be recruited or incited to take part in pornography or prostitution repeatedly or on a single incident anywhere in the world. Pornography is defined as a still or moving image of the child, including drawings, photographs and films.

## POTENTIAL OFFENCES *continued*

### **Section 49 Sexual Offences Act 2003**

Offence: Controlling a child prostitute or child involved in pornography. The offence may take part in any part of the world and is applicable regardless of benefit or gain for the defendant.

### **Section 50 Sexual Offences Act 2003**

Offence: Arranging or facilitating child prostitution or pornography, eg transporting the child to a location or otherwise making arrangements for the purpose of making pornography.

### **Statutory defences and stated cases**

Investigators are advised to consult the Crown Prosecution Service or the HMSO website: [www.hmso.gov.uk](http://www.hmso.gov.uk) on a regular basis for statutory defences and stated cases concerning the above offences.

As a consequence of section 46 of the Sexual Offences Act 2003 there is a specific defence relating to indecent images of children within this act, which is reproduced below.

### **Section 46 Exception for criminal proceedings, investigations etc.**

#### 1B Exception for criminal proceedings, investigations

- (1) In proceedings for an offence under section 1(1)(a) of making an indecent photograph or pseudo-photograph of a child, the defendant is not guilty of the offence if he proves that –
  - a) it was necessary for him to make the photograph or pseudo-photograph for the purposes of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world,
  - b) at the time of the offence charged he was a member of the Security Service, and it was necessary for him to make the photograph or pseudo- photograph for the exercise of any of the functions of the Service,
  - c) at the time of the offence charged he was a member of GCHQ, and it was necessary for him to make the photograph or pseudo-photograph for the exercise of any of the functions of GCHQ.

# APPENDIX 2

## WEB LINKS AND CONTACT NUMBERS

**NB** As with all web based resources, links can and are often replaced or removed.

### Barnardo's

<http://www.barnardos.org.uk/>

### Childline

<http://www.childline.org.uk>

### Childnet International

<http://www.childnet-int.org/default.aspx>

### Combating On-line Paedophile Information Networks in Europe (COPINE)

<http://www.copine.ie/>

### European Police Office (EUROPOL)

<http://www.europol.eu.int/>

### International Centre for Missing and Exploited Children (INCMEC)

<http://www.icmec.org/missingkids/servlet/PublicHomeServlet>

### Internet Service Providers' Association (ISPA)

<http://www.ispa.org.uk/>

### Internet Watch Foundation (IWF)

<http://www.internetwatch.org.uk/index.html>

### National Children's Home

<http://www.nch.org.uk/>

### National Crime Squad for (NCS)

<http://www.nationalcrimesquad.police.uk/>

### National Criminal Intelligence Service (NCIS)

<http://www.ncis.co.uk/>

### National Hi-Tech Crime Unit (NHTCU)

<http://www.nhtcu.org/>

### National Society for the Protection of Cruelty to Children (NSPCC)

<http://www.nspcc.org.uk/html/home/home.htm>

### National Specialist Law Enforcement training Centre (NSLEC)

<http://www.centrex.police.uk/business/law2.html>

### Stop It Now!

<http://www.stopitnow.org.uk> UK and Ireland helpline 0808 1000 900

### UK Home Office

<http://www.homeoffice.gov.uk/>

## REPORTS AND PUBLICATIONS

- Title *Child Pornography and the Internet: Challenges and Gaps*  
Author Max Taylor
- Title *Child Pornography and the Internet: Perpetuating a cycle of abuse*  
Author E. Quayle and M Taylor
- Title *Child Sexual Exploitation and the Internet*  
Author Canadian Resource Centre for Victims of Crime
- Title *Good Practice Guide for Computer Based Electronic Evidence (Version 3.0)*  
Author ACPO/NHTCU
- Title *Paedophiles, Pornography and the Internet: Assessment Issues*  
Author Ethel Quayle and Max Taylor
- Title *Position paper on child pornography and Internet – related sexual exploitation of children*  
Author Save the Children Europe Group
- Title *Sex Offenders, Internet child abuse images and emotional avoidance: The importance of values*  
Author Ethel Quayle, Mary Vaughan and Max Taylor
- Title *The Panel's advice to the court of appeal on offences involving child pornography*  
Author Sentencing Advisory Panel
- Title *The Role of an Internet Hotline Network in responding to illegal use and content on the Internet*  
Author INHOPE The Association of Internet Hotline Providers
- Title *Typology of child cyber exploitation and online grooming practices*  
Author Rachel O'Connell (Cyber Research Institute UCLAN)
- Title *Typology of Paedophile Picture Collections*  
Author Max Taylor, Gemma Holland and Ethel Quayle
- Title *Child Pornography: An Internet Crime*  
Author(s) Professor Max Taylor & Dr Ethel Quayle  
Publisher Brunner – Routledge  
ISBN 1 58391 244 4
- Title *Child Sexual Abuse and the Internet: Tackling the new frontier*  
Author(s) Martin Calder (ed)  
Publisher Russell House Publishing  
ISBN 1-903855-35-7
- Title *Innocence Betrayed: Paedophilia, the media and society*  
Author(s) David Wilson, Jon Silverman  
Publisher Polity Press  
ISBN 0745628893
- Title *Just One Click: Sexual abuse of children and young people through the internet and new technology*  
Author(s) Tink Palmer, Lisa Stacey  
Publisher Barnado's  
ISBN 0-902046-99-3

Title *Offending Behaviour: Moral reasoning, criminal conduct and the rehabilitation of offenders*

Author(s) Emma J. Palmer  
ISBN 1-84392-039-5

Title *Policing Paedophiles on the Internet*

Author(s) Dr Allison McVean & Det Supt Peter Spindler  
Publisher The New Police Bookshop  
ISBN 1 903639 12 3

Title *Sex Crime and the Media: sex offending and the press in a divided society*

Author(s) Chris Greer  
ISBN 1-84392-004-2

Title *Sex Crime in the news*

Author(s) Adrian Howe  
ISBN 1862872740

Title *Sex Crime: sex offending and society*

Author(s) Terry Thomas  
ISBN 1-903240-00-X

Title *Sex Offenders in the Community: Managing and Reducing the Risks*

Author(s) Amanda Matravers  
Publisher Institute of Criminology University of Cambridge  
ISBN 1-84392-015-8

Title *Sex on the Net: The Dilemma of Policing Cyberspace*

Author(s) Yaman Akdeniz  
Publisher South Street Press  
ISBN 1902932005

Title *Survey of members*

Author(s) Paedophile Information Exchange (PIE)  
Publisher Paedophile Information Exchange (PIE)  
ISBN B0000E81D6

Title *The Hunt for Britain's Paedophiles*

Author(s) Bob Long, Bob McLachlan  
Publisher Hodder & Stoughton General  
ISBN 0340786035

Title *The parents guide to protecting children in cyberspace*

Author(s) Parry Aftab  
Publisher McGraw – Hill education – Europe  
ISBN 0077096746

Title *The Sexual Aspect of Paedophile Relations*

Author(s) Theo Sandfort  
Publisher Spartacus International – Netherlands  
ISBN 907015417X



## APPENDIX 3

### GUIDANCE ON INTELLIGENCE INTERVIEW DEBRIEF BASED ON THAT USED BY THE WEST MIDLANDS POLICE

This guidance is based on practice in the West Midlands Police. Investigators in that force use a list of standard questions to carry out intelligence debriefings of those charged with offences relating to indecent images of children on the internet. The list of questions is by no means exhaustive and opportunities to gather additional intelligence should be taken where possible.

The debriefing can be carried out by anyone who has dealings with the target; it is not a requirement that a source handler interviews the target, although this will be necessary where the person being interviewed is to be used as a Covert Human Intelligence Source (CHIS).

To comply with PACE all proceedings relating to the offence should be finalised before commencement of an intelligence interview and no questions about the offence should be put to the person during the intelligence debriefing. The fact that the intelligence debriefing is to take place should be recorded on the custody record.

The interview should be tape-recorded. If the suspect is unwilling to have the debriefing tape-recorded, Code E of PACE Section 4.10 states that, 'if the suspect indicates they want to tell the interviewer about matters not directly connected with the offence and they are unwilling for these matters to be tape recorded, the suspect should be given the opportunity to tell the interviewer at the end of the formal interview'. Under these circumstances a written record of the interview should be made.

#### DETAILS OF PERSON BEING INTERVIEWED:

##### PERSONAL DETAILS

1. Describe yourself.
2. What cars do you drive/have access to/would you like to drive? Include VRMs.
3. What is your sexual orientation/preference?
4. List all phone numbers that PIC has access to (incl mobiles and work nos).
5. What do you smoke?
6. What is your occupation?
7. What pets do you have/would like?
8. What types of TV programme do you like?
9. What public transport do you use, how often?
10. What is your favourite colour?
11. What areas of the West Midlands and country do you have connections in?  
List nature of connection.

Many forces have developed similar guidance and investigators should familiarise themselves with the policy on intelligence debriefing within their own force.

# APPENDIX 4

## EXAMPLE OF A LEAFLET GIVING ADVICE TO SUSPECTS (WEST MIDLANDS POLICE)

People arrested on suspicion of sexual offences involving children can feel isolated, worried and confused. This information may help you deal with some of the issues which arise.

How long will the process take? Offences of this type often require very detailed examination. If the matter involves specialist examination (e.g. forensic examination of exhibits or analysis of computer data) this can amount to a relatively long period of time, perhaps several months.

Where can I seek advice or discuss any concerns I have? In terms of the legal process your legal representative (if you have one) will be able to advise you and alternatively the officer investigating your case. (Name/contact number).

In terms of your own personal health and well-being, your GP should be able to assist initially and may refer you to other specialist help.

Offences involving sex crimes against children most often involve individuals fantasising about physical acts, usually accompanied with sexual arousal. If unchecked this process may lead to more serious offending including actual contact offences. If you experience sexual arousal to children you will be able to seek help to control it.

The following organisations and agencies may be able to assist:

**Lucy Faithfull Foundation:** The Wolvercote Centre is a specialist unit offering help to people with a sexual arousal to children. As an independent charity it offers the services of experienced therapists working in this area. Contact number 0870 737 2337

**Probation Service:** If you have current contact with the National Probation Service, local officers may be able to direct you to specialist help.

**Stop it Now!:** Telephone/Web Site help providing confidential advice in relation to child sexual abuse. Free phone 0808 1000900: Visit [www.stopitnow.org.uk](http://www.stopitnow.org.uk) or email [help@stopitnow.org](mailto:help@stopitnow.org)



