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Sexting? Youth Produced Sexual Imagery



What are young people thinking/not thinking?

Understanding them to help shape our work to keep them safe & informed

Police approach

Balancing offending and criminalisation with safeguarding and intervention

Police response to reported incidents: clarification, expectation and consistency

Seizing phones and devices - reviewing content

Advice for Schools

Risk assessing incidents for proportionate response

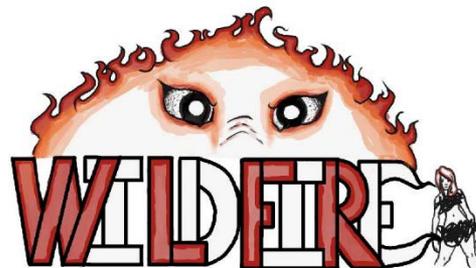
Advice and support from police

Safe4me update

Microsite

Police Apprentice

Wildfire





**What are
young people
thinking?**

....or not thinking?



What they are telling us.....



“It’s just harmless sexual exploring and flirting!!”

“It’s what you do in relationships now!!”

“Everyone’s doing it!!”

“Grown-ups just make a big deal out of it”

Research to help us understand and inform our work

- **60%** have been asked for a sexual image or video*
- **40%** have created at least one image*
- **25%** have admitted distribution*
- **35%** said the biggest issue is peer pressure; 18% said it’s expectation**



*NSPCC Study 2013 (35 12-14yrs); **Hants Police Survey 2016 (929 11-16yrs)



What they are not NOT thinking.....



Implications!! Dangers!! Risks!! Impact!!

Young people tell us... they DON'T really think about how these practices can shape their lives offline.

- **40%** said they would NOT know what to do if images they sent were used against them**
- **13%** did NOT think it was against the law for young people U18 to take, send or share naked selfies or content of a sexual nature** **17%** were not sure**
- **Over 1/3** said they, or someone they knew had been directly involved or affected by sexting**
- **40%** did not think there was enough support for young people**

Young people are not always aware of the consequences of sharing nude and sexual images. Our initial response should be to safeguard, educate and support them **NOT** unnecessarily criminalise them.



What we know....



- Young people **still** not always aware of, or protecting themselves against the consequences of sharing nude and sexual images!!
- ‘Risk outweighs the odds’ ~ peer/social media credibility is so important to YP
- Our initial response must be to safeguard, reassure, support and educate young people.. **NOT** criminalise unnecessarily





The Law & Police Response



The Law



‘Sending, or the receiving of, sexually explicit text, image or video on a mobile phone, usually in a text or instant messaging format’

It is NOT an offence in itself if the images are:

- **Not prohibited by virtue of obscenity**
Defined in law as a sexual offence
- **Of adults over 18**
- **Shared with the consent of those featured in them.**

But... It IS an offence if the images are:

- **Of children under 18**
Indecent Images Of Children Offences – includes youth generated
- **Shared without the consent of the sender**
S33 of the Criminal Justice and Courts Act 2015: Revenge Porn – Includes 18+



Police Response to Youth Produced Sexual Images



Police response has generated significant media coverage and public anxiety to the potential implications of a police led investigation.

NPCC Guidance for Police & Outcome 21

- Police will always safeguard young people involved first! Each case will be risk assessed based on all facts
- A proportionate review and investigation conducted to assess both 'experiential' and 'aggravating' factors such as level of risk, content, consent, and offending history.
- Preferred outcome - no formal action: avoid impact of criminal/police record and sexual offenders registration



Police Response: 'Experiential'



Always vigorously review reported cases

When classifying as “Experimental” officers are required to record clear rationale on the case file which addresses the following points:

- The victim has been researched and does not have additional vulnerabilities such as a risk of CSE, learning needs, disability, age under 13
- The suspect has been researched and there is no previous intelligence, vulnerability factors or crimes to indicate there is previous offending, and no evidence they may be part of a network
- Content of conversation appears age appropriate (no adult involvement)
- No coercion, control, threats, harassment evident
- Expert support and advice available to officers internally from the Child Abuse Investigation Team (CAIT)



Police Response: 'Aggravating Factors'



- Persistent offenders
- Wide age gaps
- Evidence of coercion
- Revenge Porn/Intention

Police approach is always to **avoid arrest and prosecution of U18's** involved in incidents of youth produced sexual imagery where possible, to minimise significant impact on victims, offenders and their families.

Where formal action is deemed necessary, out of court disposals* may be used.

- Youth Caution
- Youth Conditional Caution
- Community Resolution (recordable - not enforceable)
- Restorative Justice (mediation/interventions)

All cases educate and inform: advice/referrals/ other intervention



*Disclosable on enhanced CRB only authorised by Chief Constable

Summary of Outcome 21 and DBS



Outcome 21 states:

‘Even though police can evidence a young person has broken the law, they can record no further action as it was not in the public interest.

DBS (Disclosure and Barring Service)

- Incidents recorded on police systems with Outcome 21 **can** still be disclosed on a DBS certificate.
- Decision made on the basis of whether an individual might pose a relevant risk to children, young people or vulnerable adults.
- Information which is not a conviction or caution can only be included on an Enhanced CRB (current case = stated case)
- Chief Constable/Officer decides what information is disclosed in addition to convictions/cautions held on Police National Computer)
- If police investigation results in use of Outcome 21, then this would indicate that a CJ sanction was not considered proportionate.



Seizing Devices as Evidence: Police



Guidance for Hampshire Police

In cases deemed “experimental” the default position is to avoid seizure of mobiles or other devices used.

Discuss matter with the owner of the device and seek to have the images deleted; ideally done under police supervision and should involve the parents.

Any case initially assessed as of ‘aggravating’ may lead to the seizure of relevant devices where necessary and appropriate.

If on review, the case is ‘experimental’ with no formal action proposed, the device should be digitally cleaned, restored to factory settings and returned to the owner.

Seizing and returning devices

- Investigating officers must carefully consider if device needs to be seized
- Unnecessary seizure in clear cases of experimental sharing presents legal obstacles in returning the device, and may lead to the disproportionate and unnecessary destruction of devices.
- This can undermine future confidence in the police response.





Information for Schools & Partners



Response: Schools & Partners



Schools and colleges can be confident that the police have discretion to respond appropriately in cases of youth produced sexual imagery and record incidents in a way which should not have a long term negative impact on young people

UKCCIS Guidance for schools and colleges responding to sexting

➤ **Safeguard: initial assessment/review**

➤ **Phones**

- Police advise adults should not search through devices to view and delete imagery unless there is good and clear reason to do so.
- **If necessary:** DfE Searching, Screening and Confiscation advice highlights the power* to search pupils for devices, search data and delete youth produced sexual imagery.

***The Education Act 2011**

- Electronic device/mobile phone has been seized, a teacher authorised by the head, can examine data or files, and delete these, where there is good reason to do so.
- No need to have parental consent to search through a young person's mobile phone.
- If material concerns them and reasonably suspects it has or could be used to cause harm or commit an offence, they can decide to delete or retain it as evidence of a criminal offence or a breach of school discipline.
- They can also decide whether police need to be involved.



Response: Schools & Partners



If a decision is made to view imagery, ensure this is undertaken by the DSL or another member of the safeguarding team with delegated authority from the Headteacher.

Ensure viewing takes place with another staff member present, they do not need to view the images.

DSL should be satisfied that viewing the content is necessary:

- is the only way to make a decision about whether to involve other agencies (not possible to establish the facts from the young people involved)
- is necessary to report the image to a website, app or suitable reporting agency to have it taken down, or to support the young person or parent in making a report
- is unavoidable because a pupil has presented an image directly to a staff or the imagery has been found on a school device or network

Deleting Content

- Young people are asked to delete imagery
- Explain that possession of youth produced sexual imagery is illegal - if they refuse or it is later discovered they did not delete the image they are committing a criminal offence and the police may become involved.



Response: Schools & Partners



To ensure no criminal liability, we advise:

- All decisions and actions must be recorded, including times, dates and rationale (log in Safeguarding records)
- Parents and carers should be informed unless this presents a further risk to the young person.
- Never copy, print or share the imagery; this is illegal.
- Ensure viewing takes place on school or college premises
- Wherever possible images must be viewed by staff member of the same sex as the YP in the imagery.

Securing and handing over devices to the police

If any devices need to be seized to give to police as evidence, device(s) should be confiscated and the police should be called as soon as possible.

The device should be turned off and placed under lock and key until the police come to retrieve it.





Police Education and Intervention

Safe4me Education Resource Library

Improved micro-site under development to launch 2017

www.safe4me.co.uk



Peer to Peer Problem Solving Initiative

Developed in partnership with schools and young people

Modern, fun and interactive way for local police to engage C&YP

Wildfire Sexting Prevention Campaign

Peer to Peer Awareness





Central support: schoolyouthengagement@hampshire.pnn.police.uk

- Call 101 for advice to report an incident or call 999 if a child is in immediate danger
- Further support for victims: www.victimsupport.org.uk
- Parents: www.nspcc.org.uk/onlinesafety; www.parentsprotect.co.uk
- [‘So you got naked online’](#) from SWGFL
- Victims and professionals: www.iwf.org.uk/resources/useful-links
- Report indecent images for investigation and removal from the internet, including anonymously: www.iwf.org.uk/report
- Further support for suspects and their families: www.stopitnow.org.uk
- Police advice from the National Police Chief Council and College of Policing operational guidance from police specific to investigation of youth produced sexual imagery offences.
- [www.college.police.uk/News/College-news/Documents/Police action in response to sexting - briefing \(003\).pdf](http://www.college.police.uk/News/College-news/Documents/Police_action_in_response_to_sexting_-_briefing_(003).pdf)





Thank you

