

Case 01 Issue 39 – Child sexual abuse		LEARNING THE LESSONS
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Intelligence around indecent images of children

Intelligence received from the National Crime Agency (NCA) about indecent images of children, raising issues about:

- *Lack of force policy about requirements for research*
- *Staffing issues in serious crime teams*

This case is relevant to the following areas:

Investigation



Public protection



Overview of incident

The NCA sent the force an intelligence report. It said on a specified date the user of an identified email address (Mr A) uploaded two category 'C' indecent images of children. Category 'C' images are the least serious (compared with category 'A' and 'B'). The intelligence was graded as reliable.

A dedicated intelligence officer at the force, Mr B, took control of the intelligence, opening the email and reviewing the content. During the IOPC investigation, the intelligence officer confirmed, in his view, the report was not time critical and could be prioritised for action the following day. He said if the work been urgent, he could have asked his supervisor for additional assistance.

Mr B created a report on the force's NICHE records management system the following morning. This report mirrored the content of the NCA report sent to the force. Mr B explained by creating this 'mirror' report, the information would be available to view on force intelligence systems. Mr B said he began researching the intelligence and checking police systems in relation to Mr A. At the same time, he ordered checks to be carried out by other police departments. This would identify whether anyone would be 'at risk' by anything within the intelligence. He told the IOPC he used a standard force intelligence profile to record his research. Mr B added the purpose of his research was to assist the police investigation team to identify further enquiries.

The intelligence profile completed by Mr B on Mr A showed he was a bus driver (supervisor) and he lived with a woman with a nine year old child. The child lived with the woman's ex-partner. Mr B also completed a risk assessment specifically designed to identify suspects likely

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to 'contact' abused children. Mr B recorded Mr A was not in a position of trust (defined as a situation where they have power and authority in a child's life, or they are involved in a child's care or supervision).

Mr B completed the report and noted the final risk as 'low'. Mr B said he spoke to a colleague who had access to Multi-Agency Public Protection Arrangements (MAPPA) information. He established while Mr A was living with a woman, records showed her nine year old child lived with her ex-partner at a different location. Mr B also said he carried out 'Open Source' checks to find out if there was anything related to Mr A's private life that posed a risk, such as access to children. He was unable to say what material he looked at but stated it would have likely been Facebook. Mr B was unable to say what the open source checks revealed because he did not keep a record of the results.

The IOPC was not made aware of any force policy detailing the extent of research that should be carried out in these circumstances in place at that time.

Mr B told the IOPC his line manager checked the intelligence profile. After this, he said he sent it to two serious crime team detective inspectors (DI). These DIs were DI C and DI D. The email stated the risk was 'low' and requested 'positive action' within 14 days.

The IOPC found no evidence to show the matter had been investigated by officers.

DI C retired by the time the IOPC investigation took place. He told the IOPC upon receipt of the report from Mr B he allocated the case to DS E. DS E said he could not remember this case but said his usual practice was to routinely monitor outstanding reports. DS E mentioned the unit had significant staffing issues at the time of the incident. DI C acknowledged the process was for managers within the team to take responsibility for the progress of all investigations. While he undertook periodical reviews with his sergeants, he did not think his role extended to reviewing individual investigations unless it was very serious. DI C described the department as under "exceptional pressure with resourcing issues and the sheer volume of work." The investigation found there was no adequate system within the force to track progress of standalone intelligence reports not already part of a crime report. The force had already identified this as an issue, making changes to current practice.

Over a year later the NCA sent another intelligence report to the force. According to the report, a couple of months earlier Mr A had uploaded one category 'C' indecent image of a child.

PC F and PC G, who were attached to a newly formed digital investigations team at the force, received the intelligence. PC F confirmed receipt of the intelligence and stated it was 'not urgent'. She told the IOPC she requested PC G complete a Charter submission. She explained a Charter submission is a request submitted under the *Regulation of Investigatory Powers Act 2000* (RIPA) that requires the identification of a person using the email address in the intelligence. PC G recalled he checked the email address on NICHE to see if there was any previous force knowledge of the matter recorded in police systems. He did not find anything.

PC F said the results of the Charter submissions were available a few weeks later, and she started to work on the information with PC G. PC F explained how she, PC G and another member of the digital investigations team, collectively worked on the intelligence development. She focused on searching open source information. She said during this research she identified a Facebook post on Mr A's Facebook profile which stated he worked for the force. PC F said she did not complete the risk assessment specifically designed to identify suspects likely to

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'contact' abused children because Mr A's employment with the force, in her view, made him a high-risk case.

The IOPC found no evidence to indicate information about Mr A's employment would have been available to Mr B when he carried out the checks on Mr A's Facebook account.

PC G said while researching force systems for the name and address identified in the results of the Charter submission, he discovered the intelligence provided to the force the previous year and established it had not been actioned.

The research document completed by PC G showed Mr A was currently employed at the force and had been for over two years. Unlike the research document completed by Mr B the previous year, the one completed by PC G had a standalone section where the open source search results are documented by the intelligence officer. This part of the document completed by PC G had the details of Mr A's employment and start date and allowed for examination of the results that underpinned the previous risk assessments

Evidence indicated the risk associated with Mr A was recorded as high after this. Mr A was arrested and charged with multiple sexual offences involving children in the previous five years.

He was sentenced to a custodial term for these offences.

Type of investigation

IOPC independent investigation.

Action taken by this police force

1. The force now tracks intelligence reports on the NICHE crimes system through officer and team work streams. The force created a standalone digital investigations team that takes on all high-risk cases.

Outcomes for officers and staff

1. During the investigation, there was no indication any police officer who was subject to the IOPC investigation behaved in a manner justifying disciplinary proceedings or had committed a criminal offence.

Questions to consider

Questions for policy makers and managers

1. What does your force policy or guidance say about the extent of research that should be carried out by officers and staff as a result of intelligence?

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2. How does your force prioritise the threat/harm/risk of indecent image intelligence reports and make sure there is sufficient investigative capacity?
3. How does your force make sure children are safeguarded when it is found they have been in contact with perpetrators of indecent image offences?

Questions for police officers and police staff

4. What other checks would you have considered before categorising the man as low-risk when the first intelligence report was received?
5. What action would you have taken to progress the case?
6. How do you check assumptions on whether a suspect has access to children or not?