

**Scottish Parliament's Criminal Justice Committee
Roundtable Evidence Session: Tackling Online Child Abuse, Grooming &
Exploitation
Wednesday 18th May 2022**

Police Scotland Written Submission

1. Purpose

To provide written evidence for the Scottish Parliament's Criminal Justice Committee Roundtable Evidence session on Online Child Sexual Abuse & Exploitation.

2. What is currently defined as online child sexual abuse?

Police Scotland adheres to the definition provided within the Scottish Government's National Guidance for Child Protection in Scotland 2021. This is:

Online child abuse is any type of abuse that occurs in the digital environment and the internet, facilitated through technology and devices such as computers, tablets, mobile phones, gaming devices and other online-enabled devices.

Online abuse can include online bullying; emotional abuse and blackmail; sharing of indecent images; grooming behaviour; coercion and preparatory behaviour for abuse including radicalisation; child abuse and exploitation.

3. Police Scotland Overview – the Scale of the Threat

Police Scotland is committed to tackling Online Child Sexual Abuse & Exploitation (OCSAE). OCSAE is part of the Child Sexual Abuse & Exploitation Very High Operational Priority from the National Strategic Assessment 2020-2023.

OCSAE is also recognised within the Cybercrime Strategic Threat Assessment 2020 as one of the primary cyber threats facing Scotland.

Tackling OCSAE links to the following of the Chief Constable's Strategic Outcomes:

- SO1: Threats to public safety & wellbeing are resolved by a responsive police service.
- SO2: The needs of local communities are addressed through effective service delivery.
- SO5: Police Scotland is sustainable, adaptable and prepared for future challenges.

Police Scotland continues to experience significant sustained increases in Online Child Sexual Abuse & Exploitation. In 2021/22 1,918 online child sexual abuse crimes were recorded in Scotland, an increase of 11.3% on the five year mean.

Certain types of OCSAE referrals originate from the National Centre for Missing & Exploited Children (NCMEC) and are referred into Police Scotland via the National Crime

OFFICIAL

Agency. There has been a dramatic increase in these referrals of 511.2% from 2015 to 2021 (509 in 2015 to 3,111 in 2021).

In recent years from 2019 – 2021 these referrals have generated 2,498 investigations.

These investigations can vary hugely in complexity, some being comparatively straightforward whilst others are hugely complex with UK or international dynamics requiring protracted investigation across jurisdictions. Many can lead to real time child protection enquiries requiring urgent safeguarding.

These do not account for the daily calls received from the public that also lead to OCSAE investigations. It is challenging to quantify these definitively and a report of a contact sexual offence might not highlight that initial contact was in fact online.

Reporting from the Internet Watch Foundation (IWF) helps contextualise the increases in referrals and reported crime:

- The IWF finds, flags, and removes images and videos of child sexual abuse from the web. Last year the charity uncovered illegal content on 252,000 web pages.
- IWF's annual report states 70% of victims were aged 11-13 and material was found to be predominately self-generated and usually recorded at home using a phone or webcam.
- IWF received 361,000 reports to its Hotline in 2021- more than in its first 15 years of operation.
- IWF reports Self-Generated Indecent Images (SGII) of children aged 7-10 years increased 3-fold making it the fastest growing age group AND that SGII is now affecting children aged 3-6 years.

4. **Key Messages**

During 2020 and 2021 Police Scotland ran the perpetrator-focused #GetHelpOrGetCaught online grooming campaign. During the four phases of the campaign, 133,000 unique individuals were directed to the Stop It Now! website from Scotland (this figure is probably significantly higher but accurate measurement is not possible due to cookie control opt-outs).

A minimum of 1,943 unique individuals from Scotland visited the specialist Stop It Now! 'Get Help' pages, content specifically created for those who have identified they have a CSA-related problem.

The effectiveness of the campaign was recognised in a number national creative and marketing awards (Two Gold Awards and the Chairman's Award for best first time entry in the Roses UK Creative Awards, Silver in the Marketing in Society category of the Marketing Society Scotland Star Awards and the campaign was also nominated in the international PR Week Purpose Awards).

In 2022-23 Police Scotland will run a perpetrator-focused national campaign tackling image-based sexual abuse, where under 18s make up a significant proportion of victims.

The primary target audience will be males in Scotland aged 18-25. The campaign is in its planning phase and a specific launch date has yet to be agreed.

Throughout the Covid pandemic Police Scotland pro-actively supported the campaigns of a number of key partners. This included Child Protection Committees (Scotland), the NSPCC, the Scottish Government and Crimestoppers. Many of these campaigns had a keen focus on the assessment that the pandemic restrictions were pushing many children online more than ever and this, alongside digital inclusion policies, meant that the risk to children from online harms was greater than ever.

5. Key Successes

Police Scotland is committed to tackling OCSAE through preventative work and targeting perpetrators. It is engaged with strategic partners across Scotland and the UK to ensure we learn and are at the forefront of enforcement. Our Cyber Strategy seeks to exploit technology wherever possible to tackle criminality.

UK-wide participation

Police Scotland is an active participant in the UK National Crime Agency (NCA) led structures including the NCA's Strategic Governance Group and Pursue and Prevent Boards.

National Specialist Resource supporting Local Policing

OCSAE investigations are conducted by both Police Scotland's local policing teams and the Specialist Crime Division's National Child Abuse Investigation Unit (NCAIU). During the pandemic, Police Scotland has transformed its approach to the OCSAE investigations generated through the NCMEC referrals process.

Prior to the pandemic circa. 80% of the investigations generated through this process were allocated to local policing. Now the NCAIU takes 85% of these investigations helping to bring national consistency to risk assessment, triage and prioritisation. Part of this transformation was effected through the Operation PARROR Task Force which operated from September 2020 until the end of March 2021 and resulted in a permanent uplift in staff to the NCAIU.

Operation PARROR

Work continues under Operation PARROR with enforcement action undertaken in respect of 1453 NOCAP Investigation enquiries since September 2020. 48% of these enforcements have led to the recovery of online CSAE material. 1294 children have been protected through this work and 731 people arrested.

Operation Parror won 2 awards at the Chief Constable's 2021 Bravery & Excellence Awards - the Greatest Contribution to Policing Priorities Award and the Chief Constable's Award.

Multi-Agency Preventing OCSAE Group

In late 2020 Police Scotland established a Multi-Agency Preventing OCSAE Group aiming to prevent OCSAE by coordinating and developing learning and supporting partners' campaigns and work to maximise exposure. This group has helped build new relationships with academia, third sector and the UK Child Internet Safety - Early Warnings Group as well as the new Ofcom Scotland team. Police Scotland is working closely with Ofcom to develop process and procedure in anticipation of the new Online Safety Bill.

Cybercrime Harm Prevention

Police Scotland's Partnerships, Prevention & Community Wellbeing (PPCW) Cybercrime Harm Prevention (CHP) Team has a multifaceted approach to educating young people about online abuse, grooming and exploitation. Where possible children and young people are addressed directly, however, work is also done with parents, schools, sports clubs and partners to reinforce messaging.

National campaigns are also supported by disseminating alerts, resources and campaign materials via internal networks across local policing divisions and via an extensive external network of Web Ambassadors.

The team is a key member of the Cyber Scotland Partnership, taking a leading role in the annual Cyber Scotland Week event, tailoring events to attract engagements from parents and schools.

Child Protection - Programmes of Change

Police Scotland is integral to a number of national change programmes aimed at improving the experiences of children and young people reporting abuse. The surge in OCSAE work has resulted in increased prosecutions of sexual offences against children, with more children drawn in to the criminal justice system widely recognised as an inherently non-child friendly environment.

The National Joint Investigative Interview Project (Police Scotland, Social Work Scotland & COSLA) has developed and is now delivering the new **Scottish Child Interview Model** across Scotland. The project has drawn on national and international research and best practice with the aim of allowing the visually recorded interview to be led as Evidence-in-Chief and avoid children having to give evidence in court.

Key to achieving a high standard of child interview is a comprehensive **Interagency Referral Discussion (IRD)**. This is a cornerstone of the Scottish child protection system, its centrality cemented in the new Scottish Government National Guidance for Child Protection in Scotland 2021. A tripartite process with police, social work and health, but also often with Education, IRD is the start of the formal process of information sharing, assessment, analysis, and decision-making following a reported concern about abuse or neglect of a child or young person. Police Scotland is co-chair of the Scottish Government's National Guidance Implementation sub-group on IRD. Police Scotland is currently the only agency with an IRD training course for practitioners and the sub-group seeks to develop a national multi-agency IRD training course to help bring consistency in practice across Scotland.

Longer term, children and young people who have been victim of child sexual abuse (in any form) will be supported through the Scottish Government's commitment to implementing the **Barnahus model in Scotland**. Police Scotland is a key stakeholder in this work.

6. Gaps & Challenges

The following outlines a number of areas where work might be taken forward by the Scottish Parliament or the Scottish Government to help the response to tackling OCSAE. Much of this has been communicated to Scottish Government through its active attendance and participation in the Police Scotland led Multi-Agency Preventing OCSAE

Group and the strategic liaison that exists between Police Scotland and the Children & Families Directorate of the Scottish Government.

Section 52 Civic Government (Scotland) Act 1982: Indecent Images of Children

The application of the s.52 offences has evolved over time to accommodate changes in technology, with case law interpreting 'making' an image as including causing it to be downloaded and displayed on an electronic device. Possession of an image has been accepted to include having custody or control i.e. that an accused is capable of accessing, or in a position to retrieve an image. However an opportunity to modernise the legislation would be welcome – it was created in an era that predates the modern internet and its use. A number of potential legal challenges, if realised, could cause significant issues with successfully prosecuting modern criminality.

Live Streaming

Also a phenomenon that did not exist when the 1982 Act was created. In cases of live streaming it has been accepted by courts that the accused has 'made' an image by causing it to be displayed on their device. In cases involving child sexual abuse, there are generally three types of live streaming methods used. These are:

Overseas Pay-per-View: usually involves an organised network, typically abroad, with the abusing customer in the UK. Abuse of children is carried out abroad and is streamed to /by offenders in the UK. This type of abuse is usually for financial gain, either by organised criminal networks and/or impoverished families.

Chat Rooms: use of chat rooms can also have cross-jurisdictional elements but can also be UK based. This is where specific 'rooms' or 'conferences' are set up online for the purposes of showing child sexual abuse. Offenders join the rooms by various means and abuse can be streamed live or involve pre-recorded abuse being shown. Offenders can also interact with one another.

Self-produced by children: This form of offending is becoming more prevalent. Offenders are often able to exploit children who stream images between their peers for 'likes'. They are then able to contact these children and direct forms of abuse, or distribute these images to other offenders.

Live streaming cases can also be progressed on the basis of the core offence e.g. Rape, Sexual Assault etc. This can be achieved through the application of legal concepts such as conspiracy, incitement, aiding and abetting. Despite these options live streaming presents unique challenges and bespoke legislation would assist in ensuring a robust legal framework.

Extreme Pornographic Material / Prohibited Images (CGI, cartoons etc.)

Section 51 of the Civic Government (Scotland) Act 1982 relates to the possession of Extreme Pornography. As stated, the Act predates the modern internet and there are gaps in respect of take/make and distribution offences as well as application of the extreme pornography offence to CGI and cartoons.

There is no Scottish legislation specific to prohibited images. In England **Section 62 of the Coroners and Justice Act 2009** creates the offence of possession of a prohibited image of a child. A prohibited image is a non-photographic image, including computer-generated images, cartoons, manga images and drawings. The offence specifically excludes photographs and pseudo-photographs of children. This is a gap in Scottish Legislation.

Preparatory Acts & Collection of Relevant Information

There is no specific legislation in Scotland which creates an offence to be in possession of any item that contains advice or guidance on how to sexually abuse children. In England this is legislated under **Section 69 Serious Crime Act 2015**. There would need to be careful consideration on how this could overcome any "fantasy" defence and there are considerations on evidential thresholds to prove executory intent. Any offence might mimic the Terrorism Act 2000 and might create an offence for a person who collects or makes a record of information likely to be useful to a person committing or preparing an act of Child Sexual Abuse, or they possess a document or record containing information of that kind etc.

Risk of Sexual Harm Order (RoSHO)

The current criteria for application for RoSHOs do not include OCSAE offences. Any legislative review should consider appropriate amendment to allow more robust and proactive management of those who present OCSAE risk to prevent them from offending.

Child-like Sex-Dolls

In Scotland there is no specific offence for the possession, purchase or importation of sex-dolls with child-like features. This is an increasing phenomenon and any legislative review should consider this area. Most are imported and consequently recourse is typically had to an otherwise obscure piece of legislation - Section 42 of the Customs (Consolidation) Act 1876 which prohibits the importation of indecent or obscene articles.

Cloud Storage

This is where digital data is stored remotely and is typically owned and managed by a hosting company. There has been exponential growth in the use of 'cloud' storage in respect of child sexual abuse material. Technological advances have provided the ability for users to leave no forensic trace on the device used to view an image stored in a remote 'cloud'. Risks exist around the application of the 1982 Act to imagery recovered from Cloud Storage with issues in terms of locus and in terms of securing evidence from a search warrant. To date, prosecutions involving the use of Cloud Storage have not been successfully challenged in the Scottish courts and the definitions of possession have withstood scrutiny. However, modernisation would help mitigate against continued advances in technology, wider use of Cloud storage and the risk of a successful legal challenge.

End to End Encryption (E2EE)

E2EE is an emerging threat for law enforcement in respect of OCSAE (and other criminality). It is assessed that offenders will seek to take advantage of the increased rollout of E2EE across social media platforms to commit offences undetected. Some offenders might be sceptical of well-known platforms as to law enforcement cooperation, but this may change as confidence grows in the use of E2EE from dark web platforms.

7. Conclusion

This submission is provided for information in advance of the Round Table session.