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1. PRISONERS IDENTIFIED AS PRESENTING A RISK TO CHILDREN HAVING PHOTOGRAPHS OF CHILDREN IN THEIR POSSESSION

1.1 BACKGROUND

Prisoners, who present a risk to children, will like any other offender wish to have photographs of family member and friends in their possession. There are issues that must be considered before allowing prisoners who present a risk to children to have photographs of children in their possession.

The Prison Service has a duty to protect children from being conditioned and groomed as a possible target of physical or sexual abuse. This statutory guidance has been produced to assist establishments in preventing an offender from grooming a child for sexual abuse. It concerns prisoners who have been identified has being subject to risk to children (Lids code R2CHPA) and convicted of a sexual offence against a child and are currently serving a custodial sentence or have a previous conviction for such an offence.

The apparent dangers of allowing an offender who presents a risk to children to have possession of children’s photographs may appear straightforward, although the following points must be considered:

- **Origin**
  Who has sent/given the photograph to the prisoner?

- **The Child’s Identity**
  What relationship is the child to the prisoner?

- **Evidence of risk**
  Does the offender present a risk to the child?

- **Networking/sharing**
  Could the photograph and or the child’s address be passed to another prisoner?

- **Parental Responsibility**
  Is that person acting responsibly towards the child?

1.2 ORIGIN

Interception - It is most likely that photographs will be posted to the offender or handed in on visits or brought in with the prisoner on reception. Where it can be identified that a member of the public has sent/handed in the photograph, the details must be recorded and the photographs placed in an envelope marked indicating that they should not be issued until enquiries have been made. Until then they must be placed with the offender’s record. Photographs that are brought into prison with the offender must also be placed in the offender’s record and later issued after enquiries have been made.

Discovery - It is also possible that the offender has come into possession of the photograph via another offender. Photographs discovered in cells belonging to offenders who present a risk to children must be confiscated pending enquiries.

In all cases where photographs have been intercepted or withheld from a prisoner, the person with responsibility for Public Protection should be informed. A Directory of Public Protection contacts is available from the home page of the public protection manual.
1.3 THE CHILD’S IDENTITY

It is not appropriate for offenders who present a risk to children to have photographs of children in their possession unless an assessment has been conducted to ensure there is no risk to that child. Establishments must take necessary steps to ensure that the identity of the child in the photograph is established and that the parent or carer is aware that the offender may be allowed to keep the photograph.

If a photograph is discovered either within correspondence has been sent in or has been found in the possession of the prisoner, it will be retained. The prisoner will be asked who the child is and enquiries conducted. If the offender cannot clearly identify the child or how he came by the photograph, the photograph must be confiscated and placed in the offender’s record together with a report describing the incident. Where the photograph has been sent in and the sender’s details are known, the photograph must be returned to them.

1.4 EVIDENCE OF RISK

Establishments must carry out an enquiry to confirm the identity of the child and ascertain if the parent or carer is aware that the photograph may be given to the prisoner. A public protection clerk or a public protection co-ordinator will ideally carry out these enquiries where establishments have identified such roles.

Disclosure – It will be necessary to contact the parent or carer to confirm that they wish the prisoner to be given the photograph. Information may be disclosed about the nature of the prisoners offence and the length of sentence imposed by the courts. It is only necessary to disclose the fact that the prisoner has been convicted of an offence involving a child and the length of sentence the offender is serving. It is not appropriate to disclose additional information about how the offence was committed.

It is necessary to carry out an assessment of the risk the offender presents to the child. Should the background to the offender’s offence involve conditioning of, for example, a single mother and the abuse of her child, it would be a concern that the offender is writing to a single mother from prison.

Establishments must ensure child sexual offenders do not have a photograph of the victim in their possession.

1.5 NETWORKING/SHARING

It is known that some prisoners including child sexual offenders have given photographs of children to other prisoners who are child sexual offenders. It would be advisable for all prisoners who are child sexual offenders to have the details of photographs containing children entered onto their History Sheet.

If a child sexual offender is found to have a photograph of a child in his/her possession without authority, the photograph should be confiscated. The prisoner should be questioned about how the photograph came to be in his possession and a report placed in the prisoner’s record with a copy placed in the sentence management documentation to that effect for risk management purposes.

1.6 PARENTAL RESPONSIBILITY

An enquiry with a parent or carer, who is in contact with a child sexual offender, may establish that he or she is supportive of the offender’s denial. In these circumstances the parent or carer may not accept that continued contact with the offender might expose the child to risk.

In instances where the parent or carer does not understand that their child may be at risk, establishments must report the circumstances to the Social Services / Children’s Services (DCSF) who will decide whether or not to approach the parent or carer. Where establishments contact Social Services / Children’s Services they are advised to do so in writing and retain a copy of the letter and any replies on file. It is appropriate to consider why the parent or carer wishes a child sexual offender to have a photograph of their child in prison.
Parental or carer’s consent for a prisoner to have a photograph in his or her possession is required before a photograph will be given to a prisoner. Governors of establishments may consider that it is not in the interest of the child for a photograph to be issued, even though the parent or carer has no objection. Where such a decision is made, the reasons must be recorded. All decisions must be supported by the Interdepartmental Risk Management Team within the establishment.

1.7 TRANSITIONAL ARRANGEMENTS

It is not necessary to conduct immediate searches of prisoners who have been identified as presenting a risk to children.

1.8 NO RESTRICTIONS NECESSARY

PRISONERS CLEARED FOR LEVEL 4 CHILD CONTACT PROCEDURES

If a prisoner has been cleared for child contact at level 4 / No restrictions necessary as per Child Contact Procedures (Chapter 2 section 2) you would only have to check that the identity of the children in the photographs are the same as the ones which have been cleared in the child contact procedures, the only other issue which should be taken into account is whether they may be sharing the photographs with other prisoners.
ANNEX A PROCESS FLOW CHART

PRISONERS IDENTIFIED AS PRESENTING A RISK TO CHILDREN HAVING PHOTOGRAPHS IN THEIR POSSESSION

- Photograph arrives in correspondence or is handed in on a visit
- Photograph is brought in with the offender on reception
- Photograph is discovered in the offender's possession / cell

If arriving from another establishment:
- Check History Sheet (F2052A)
- If previously authorised:

If not previously authorised, retain photograph and file it in Prisoners Record (F2050)

Enquire with Parent or Carer if they wish the photograph to be issued and that they are aware of the risks involved. If the Parent or Carer cannot be identified the photograph will remain in the Prisoners Record and the details recorded in the History Sheet (F2052A)

Assess risk by balancing the risk to the child and the Parent or Carer’s ability to protect the child. Is the Prisoner capable of grooming the child for possible future abuse?

If there is no risk to the child allow possession and record in History Sheet (F2052A)

If there is a risk to the child, notify Social Services / Children’s Services in the area where the child lives. (It will be up to the Social Services to decide how to act. They may wish to be made aware of future contact between the parent carer and the Prisoner)

The Governor/Director will decide if a photograph should be given to a Prisoner or not. If it is thought that is not in the interest of the child the photograph will be returned to the Parent or Carer and a record made in the History Sheet (F2052A) This discussion must be supported by the IRMT