

GD8 – Youth Produced Sexual Imagery - Guidance for Disclosure

GD8 – Aims and purpose

The purpose of this document is to provide guidance to Disclosure Units in the consideration of information relating to youth produced sexual imagery, commonly known as ‘sexting’. This document aims to collate relevant information from the following guidance documents:

Police Guidance (November 2016):



Operational advice -
sexting outcome 21.pdf

Schools Guidance (August 2016): <https://www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis>

And relate them to the disclosure process.

Background

The taking and sharing sexual imagery of children by children is always a risky behaviour and also illegal. Once an image has been shared, control of it has been lost and is unlikely to ever be fully regained. This activity can be more clearly described as ‘Youth Produced Sexual Imagery’.

NPCC Guidance has been developed to advise forces as to what a proportionate policing response to the investigation of reports of youth produced sexual imagery (‘sexting’) across England and Wales would look like. It has been designed to enhance the ACPO national position statement published in January 2011¹. It has been developed in consultation with child protection experts both within and outside law enforcement and also in consultation with children and young people. Separate but interlinked (complimentary) advice for schools has also been developed by CEOP and the UK Council for Child Internet Safety (UKCCIS) education sub group.

Police guidance regarding crime recording

In January 2016 the Home Office launched a new outcome code (Outcome 21) to help, in part, formalise the discretion available to the police relating to the handling of crimes such as youth produced sexualised imagery.

Outcome 21 states:

‘Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest – police decision.’

A key objective of the Police guidance was to outline a proportionate response to investigating youth produced sexual imagery which in turn reduces the potential over criminalisation of children through Outcome 21.

¹ https://ceop.police.uk/Documents/ceopdocs/externaldocs/ACPO_Lead_position_on_Self_Taken_Images.pdf

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At point 20 within the Police guidance it states:

20. Outcome 21 may be considered the most appropriate resolution in youth produced sexual imagery cases where the making and sharing is considered non-abusive and there is **no evidence** of exploitation, grooming, profit motive, malicious intent (e.g. extensive or inappropriate sharing (e.g. uploading onto a pornographic website) or it being persistent behaviour. Where these factors are present, outcome 21 would not apply.

Therefore it is clear that the Outcome 21 disposal will only be used in those cases, where, after investigation, it is deemed that no aggravating factors exist. The police may provide in writing to the individual the following text after an Outcome 21 has been deemed appropriate:

You/Your child has been recorded on police systems against (add crime type) in line with Home Office crime recording rules. After consideration of all relevant factors, a decision has been made that no further action will be taken by the police in this instance.

******* has not been convicted or cautioned for any offence connected with this investigation.**

In the event that a future 'Enhanced Disclosure and Barring Service' (DBS) check is required it is unlikely that this record will be disclosed unless you/your child are investigated or have further action taken against you/them in the future which could suggest a relevant pattern of behaviour.

Any decision to disclose will be made by the chief police officer dealing with the request, based on all factors and information available at the time of the decision.

Note:

It is important to note that the potential application of Outcome 21 is not limited to youth produced sexual imagery, however this QAF GD8 guidance document relates specifically to its use in those particular cases.

Youth Produced Sexual Imagery and Disclosure

The intention of utilising Outcome 21 in cases of youth produced sexual imagery is to present a proportionate response to this behaviour and to avoid the criminalising of children for sharing images consensually or where no aggravating factors are present within the sharing of these images.

As the Police and Schools guidance clearly states there can be no categorical statement that these instances of 'sexting' will not be disclosed as it is the responsibility of the Chief Officer to determine relevancy and proportionality for disclosure, however, both sets of guidance state that a single incident of 'sexting' where an Outcome 21 disposal has been given is 'unlikely' to be disclosed.

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The AT2 Single Incident Table now contains an entry for one instance of ‘sexting’ with an Outcome 21 disposal. This will allow you to discard at the earliest opportunity, where you consider it applicable. If Outcome 21 has been applied then you will know that the Police investigation **did not** find any aggravating factors or indicators of risk.

If you have further information that suggests a pattern of behaviour or that there is an indicator of risk then this information can still be considered for disclosure purposes, within your rationales for considering disclosure you would need to clearly record how and why you have concluded that the individual poses a risk and why you believe this information to be relevant and proportionate to disclose. The rationale should address why, despite an Outcome 21 being an appropriate policing response, you still consider disclosure to be proportionate and necessary.