



Home Office

Criminal investigations: Indecent and obscene materials

Version 1.0

This guidance tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about indecent and obscene materials and how to deal with them.

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About this guidance

This guidance tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about indecent and obscene materials, particularly those that relate to child sexual exploitation, and how to deal with them. It is based on the [Obscene Publications Act 1959](#) and the [Protection of Children Act 1978](#). It covers:

- Definitions and levels of seriousness of indecent and obscene materials
- Dealing with indecent and obscene materials found during operational activity and on digital devices
- Wellbeing and support available to officers encountering such materials

The Home Office has a duty to safeguard vulnerable people and promote the welfare of children. For more information see: [Vulnerable adults and children](#).

Criminal Investigators in Immigration Enforcement must be aware of their obligations under the UK General Data Protection Regulation (UK GDPR) and [Part 3 of the Data Protection Act 2018](#). For more information see: [CFI Data protection policy](#) and [Data protection on Sharepoint](#).

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the CFI Operational Guidance Risk and Compliance Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **27 June 2025**

Changes from last version of this guidance

New guidance

Related content

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General principles

This section provides criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office with awareness on types of indecent or obscene materials they may encounter while conducting criminal investigations, particularly materials that relating to child sexual exploitation.

This guidance includes the relevant statutory definitions, and processes to follow should they encounter such material.

Exposure to material of this nature can be traumatic and psychologically harmful, both to officers and the public.

Criminal investigators in Immigration Enforcement are **not** trained to investigate offences of a sexual nature and must **not** actively investigate the offences outlined in this guidance.

Nevertheless, the nature of any criminal investigation means there is always the possibility of encountering indecent and obscene materials during the course of an enquiry.

The likelihood of this occurring has increased in recent times, largely due to the increased prevalence of digital investigation techniques, which often lead to officers reviewing electronically held information online or from digital devices.

While the likelihood of this happening in any particular enquiry is small, the risks of the viewing and circulation of indecent and obscene material can be severe, both to vulnerable members of the public and to officers.

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Offences and definitions

This section tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about the legislation, definitions and levels of seriousness involving indecent photographs and pseudo photographs of children.

Offences relating to indecent images

For officers in England and Wales, [The Protection of Children Act 1978](#) broadly defines the following as offences:

- to take or make any indecent photographs or pseudo photographs of a child
- to show or distribute these photographs or pseudo photographs
- to possess these photographs or pseudo photographs with intent to show or distribute them
- to advertise for showing or distributing these photographs or pseudo photographs

For officers in England and Wales, [Section 160 of the Criminal Justice Act 1988](#) also makes the following an offence:

- to possess any indecent photograph or pseudo photographs of a child

For officers in Scotland, [Section 52 Civic Government \(Scotland\) Act 1982](#) defines offences very similar to those in the English and Welsh legislation.

For officers in Northern Ireland, [Section 3 Protection of Children \(Northern Ireland\) Order 1978](#) defines offences very similar to those in the English and Welsh legislation.

Definitions: Child

[The Protection of Children Act 1978](#) defines a child as a person who has not reached the age of 18 years.

Definitions: Indecent

The Sexual Offences Act 2003 does not define the term 'indecent', but you must apply the standard of decency which ordinary right-thinking members of the public would set.

The recognised standards are objective and the character of the owner or the addressee is immaterial. If you are not sure about the nature of the material encountered refer to your line manager for further advice.

Definitions: Image

This includes any:

- film
- video recording
- copy of photograph or film or video recording
- photo comprised in a film or video recording
- photographic negatives
- information on a computer which can be converted to photograph
- pseudo photograph
- non-photographic images of children

Definitions: Pseudo photograph

This is an image which has been made to look like a photograph, or a copy of such an image, and includes data (details), such as on a computer disc, that can be converted into a pseudo photograph.

Definitions: Non-photographic image

Pornographic images which are grossly offensive, disgusting, or of an obscene character that feature a child.

Levels of seriousness

[Sentencing Council guidelines](#) outline 3 offence categories for different levels of seriousness of indecent images, with category A being the most and category C the least serious:

Category	Definition	Example
Category A	Images involving penetrative sexual activity. Images involving sexual activity with an animal or sadism.	Images classed in this category depict gross assault, sadism or bestiality – obscene images involving penetrative sexual activity. This category also extends to all images that depict a child subjected to pain.
Category B	Images involving non-penetrative sexual activity	Non-penetrative sexual assault refers to acts such as mutual masturbation or any oral sexual activity. In most cases, this definition involves the presence of an adult. Images involving explicit sexual activity usually depict a child in sexual acts without the presence of an adult. This would include

		depictions of activities such as masturbation.
Category C	Other indecent images not falling within categories A or B	<p>Category C images depict some sexually suggestive content, either indicatively (for example erotic posing) or in a nudist environment.</p> <p>Category C images could encompass everything from commercially published images to family photographs. In cases involving these images, it is usually the intentions of the accused individual that are relevant, as images are not necessarily sexual in nature.</p>

If you are not sure whether material is indecent, discuss with your line manager, but under no circumstances forward the material to others.

Extreme pornography

[Section 63 of the Criminal Justice and Immigration Act 2008](#) which applies in England, Wales and Northern Ireland, and [Section 42 of the Criminal Justice and Licensing \(Scotland\) Act 2010](#) in Scotland state it is an offence to possess an image of 'extreme pornography', which is defined as an image which is both pornographic and extreme.

An image defined as is extreme if it:

- is grossly offensive, disgusting or otherwise obscene
- portrays in an explicit and realistic way, an act which:
 - threatens a person's life
 - results, or is likely to result, in serious injury to a person's genitals, anus or breasts
 - involves sexual interference with a human corpse
 - shows a person performing intercourse or oral sex with an animal (whether dead or alive)

For all the above requirements of 'extreme', it is necessary that a reasonable person (like you) looking at the image would think that the person or animal was real.

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Other obscene articles

This section tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about publishing other obscene articles that are not indecent photographs or prohibited images.

Obscene publications

It is an offence to publish an article which is obscene. It is important to note that simple possession is not an offence under the Obscene Publications Act 1959.

[Section 1 of the Obscene Publications Act 1959](#) states an article is obscene if its effect would tend to deprave and corrupt people who are likely to read, see or hear the matter.

It is a matter of opinion whether or not something is obscene, or whether it could deprave or corrupt, so you must use your own common sense in coming to a decision. If in doubt, discuss with your line manager.

For investigations involving obscene material, a person 'publishes' an article if they:

- distribute it
- circulate it
- sell it
- let it on hire
- give or lend it
- offer it for sale or letting on hire
- for an article containing matter to be looked at or listened to, if they:
 - show it
 - play it
 - project it

A person publishes data (details) stored electronically, if they transmit that data. This is an unusual offence, but it is possible that you will find evidence of it when you are searching premises or devices.

For Scotland, [Section 51 Civic Government \(Scotland\) Act 1982](#) defines offences very similar to those to the English and Welsh legislation. If you are in any doubt, discuss with your line manager.

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Dealing with indecent or obscene materials

This section tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office how to deal with indecent and obscene material encountered during operational activity, or when reviewing data extracted from lawfully seized digital devices

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Wellbeing and support

This section tells criminal investigators in Immigration Enforcement (IE) and suitably trained and accredited criminal investigators within the Home Office about the support available to them if they are concerned or affected by contact with indecent and obscene materials during the course of their work.

If you have concerns about being exposed to this type of material during the course of your duties, consult with your line manager in the first instance. The Home Office has additional support available:

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