



Derbyshire Constabulary's Position on Young People Who Post Self-Taken Indecent Images.

1. Background.

1.1 The Association of Chief Police Officers lead on Child Protection and Abuse Investigation (CPAI) and they have released this position in response to the growing trend by young people to take and share indecent photos, not only of themselves, but also of friends and partners through SMS on mobile phones.

1.2 The taking of such photographs is often due to children and young people taking risks and pushing boundaries as they become more sexually and socially aware. With the prevalence of mobile phones with cameras and internet access and the increased use of Bluetooth technology, images can be shared easily between friends.

1.3 Sharing indecent images in this way is colloquially known by the term 'sexting' and it can have extremely damaging effects. In the US, a number of young people have committed suicide after images taken of them by previous partners were posted on social networking sites.

1.4 The 2010 Strategic Overview from the Child Exploitation and Online Protection (CEOP) Centre also identifies a wider range of 'risk taking' behaviour by children, including making online contact with strangers. The report highlighted that it can be difficult to distinguish between self-taken indecent images resulting from grooming or facilitation by adult offenders who have a sexual interest in children, from the images that result from children and young people simply pushing boundaries and experimenting with their friends.

1.5 An image on the internet has no natural lifespan; once posted an image may be copied by many others including those who may be predatory abusers. CEOP is aware of cases where self-taken indecent images (which were not produced as a result of grooming or facilitation) have ended up on paedophile chat sites and forums.

1.6 Crimes involving child abuse images fall under Section 1 of the Protection of Children Act 1978, as amended by section 45 of the Sexual Offences Act 2003 to extend the definition of children from under 16s to under 18s. It is a crime to take, make, permit to take, distribute, show, possess, possess with intent to distribute, or to advertise indecent photographs or pseudo-photographs of any person below the age of 18.

1.7 The consequences of this are far reaching. A prosecution for any of these offences means that an offender is placed on the sex offenders register for a duration that is commensurate with the sentence they receive. Even though the times are generally reduced for those aged younger than 18, this can still mean in some cases a considerable time spent on the register.

1.8 First time offenders should not usually face prosecution for such activities, instead an investigation to ensure that the young person is not at any risk and the use of established education programmes should be utilised. Derbyshire accept that in some cases, e.g. persistent offenders, a more robust approach may be called for- for example the use of reprimands. Restorative Justice can and should be used wherever possible with the consent of the victim. It is recommended that prosecution options are avoided, in particular the use legislation that would attract sex offender registration.

1.9 Derbyshire Constabulary has become aware that, in certain circumstances, there is a risk that police forces may focus too narrowly on the criminal justice element of self-taken indecent images rather than wider safeguarding issues.

1.10 Although there is no evidence of this occurring in significant numbers in the UK, Derbyshire Constabulary is aware of cases in the US where teenagers have been prosecuted for sending indecent images of themselves to friends and partners. The risk is that a purely criminal justice focused approach to this problem may result in the prosecution of children in the UK.

Association of Chief Police Officers Position: Criminalisation of children and young people uploading self-taken indecent images.

2.1 A factor that appears to drive the creation of self-taken images is children and young people's natural propensity to take risks and experiment with their developing sexuality. This is linked to, and facilitated by, the global escalation in the use of the internet, multi media devices and social networking sites. Children and young people may not realise that what they are doing is illegal or that it may be potentially harmful to them in the future.

2.2 The reasons why children and young people post sexual images of themselves will vary from child to child. A child would not usually be in possession or be distributing these images because they have an inappropriate sexual interest in children - rather in the majority of cases, it will be as a result of their normal teenage sexual development combined with risk-taking behaviour. The recommendation is that these cases should be dealt with on a case by case basis, but within a wider safeguarding framework. Again restorative Justice would assist in reaching a suitable outcome for the victim.

2.3 Children and young people creating indecent images of themselves may be an indicator of other underlying vulnerabilities, and such children may be at risk in other ways. At the very least, children in this situation are making themselves vulnerable due to the potential future sharing of their images. As per current ACPO Investigating Child Abuse Guidance (2009), any such minor offending behaviour by children and young people should result a referral to children's social care so that any issues that are present can be dealt with at an early stage.

2.4 Clearly some self-taken indecent images will be as a result of grooming and facilitation by adult offenders. The primary purpose of police involvement in these cases should be to ensure that the potential contact with adult exploiters is properly explored. As per Department for Education guidance, the focus of investigations should not be on the behaviour of children who have been the victims of abuse or exploitation but on the adult offenders who '*coerce, exploit, and abuse children and young people*'¹.

2.5 The Association of Chief Police Officers does not support the prosecution or criminalisation of children for taking indecent images of themselves and sharing them. Being prosecuted through the criminal justice system is likely to be distressing and upsetting for children, especially if they are convicted and punished. The label of 'sex offender' that would be applied to a child or young person convicted of such offences is regrettable, unjust and clearly detrimental to their future health and wellbeing.

2.6 The Association of Chief Police Officers considers that a safeguarding approach should be at the heart of any intervention. This approach is informed by Section 1(1) of the Children Act 1989, which state that within the context of any statutory intervention the welfare of the child is paramount. This approach is reinforced by Section 11 of the Children Act 2004, which places a duty on key persons and bodies to make arrangements to safeguard and promote the welfare of children.

2.7 Should you require any further advice on a specific case they are encouraged to contact Derbyshire Constabulary central referral unit through the following number 0345-123-33-33.