SCOTTISH POLICE AUTHORITY
ÙGHDARRAS POILIS NA H-ALBA

Agenda Item 4.3

Meeting	Scottish Police Authority Policing Performance Committee
Date	07 December 2022
Location	Video Conference
Title of Paper	Update On Progress Towards HMICS Recommendations in respect of Policing Online Child Sexual Abuse and Exploitation
Presented By	ACC Smith, Major Crime, Public Protection and Local Crime
Recommendation to Members	**For Discussion**
Appendix Attached	No

PURPOSE

To provide members with an overview of progress made by Police Scotland in response to the Recommendations made by HMICS in its Strategic Review of Police Scotland's Response to Online Child Sexual Abuse & Exploitation published in February 2020 and its subsequent progress review, HMICS' Review of Online Child Sexual Abuse, published in August 2021.

Members are invited to discuss the contents of the report.

1. BACKGROUND

In February 2020 HMICS published its Strategic Review of Police Scotland's Response to Online Child Sexual Abuse & Exploitation (OCSAE). The Review originally delivered 10 recommendations with a subsequent recommendation 11.

Work towards the recommendations continues and the HMICS Progress Review, published in August 2021 ensured an enduring focus on this high risk business areas. In the period since the Strategic Review and the Progress Review, Police Scotland have discharged 7 recommendations, as such 4 remain outstanding. This focus has been the catalyst for more wide ranging improvement work that continues as Police Scotland refuses to be complacent in the face of a persistent and enduring threat which poses significant harm to children in our communities.

The internet has enabled the production and consumption of Child Sexual Abuse Material (CSAM) on an industrial scale and has created new opportunities to sexually abuse and exploit children. The growing volume of OCSAE offending continues to test wider Law Enforcement's capacity to respond.

Technological advances have served to aid both offending and detection, but the scale has led to more suspects and offences being identified, creating a huge surge in demand on criminal investigation and child protection services.

Fundamental to Police Scotland's approach is our National Online Child Abuse Prevention (NOCAP) process and investigations, the premise of which is to prevent online child abuse by targeting those individuals suspected of having a sexual interest in children. Following the Operation PARROR Task Force in 2020/21, Police Scotland continues to use the 'Op PARROR' brand to depict NOCAP enforcement activity.

2. MAIN REPORT

2.1 Progress to Date

A detailed progress report against each recommendation is appended to this report. Engagement continues with HMICS and significant work has been progressed through the Tackling Online Child Sexual Abuse (TOCSA) Strategic and Tactical structures supported by Governance, Audit and Assurance:

2.2 Open HMICS Recommendations

Recommendation 5 - *Police Scotland should review the current arrangements for allocation of specialist support in relation to online child sexual abuse to ensure the allocation is fair, equitable and meets the needs across the country.*

This recommendation focused on Police Scotland's Digital Forensics function. In response, this department received an uplift of 29 staff with recruitment completed through 2022. Updated evidence of progress was submitted to HMICS during recruitment. HMICS indicated it wished to assess the impact of increased staffing on capacity of the vital on-site Digital Forensic triage function which is critical in supporting OCSAE investigations. Further evidence will be submitted to HMICS.

Recommendation 6 - *Police Scotland should review the resources and structure of the Internet Investigation Unit and Communications Investigation Unit to ensure that the force is able to meet current and future demand in relation to initial risk assessment, triage and intelligence development.*

The actions in the original recommendation (Internet Investigations Unit (IIU) and Telecommunications Investigation Unit (TIU) review) have taken place and other work has developed from dialogue with HMICS during the Progress Review. This focused on a Child at Risk Investigations end-to-end process review and a NOCAP workflow management system within the IIU. The Child at Risk review has been completed which concluded that processes are working well, despite an increase in volume, with no recommendations made for change. Challenges remain in respect of a workflow management system with pilots being discussed with National Crime Agency (NCA) through the use of 'Hubstream', and alternative solutions being considered by the Chief Data Officer. IIU management is hopeful solutions will be implemented in 2023. As such this recommendation remains ongoing.

Recommendation 8 - *Police Scotland should work with the Crown Office and Procurator Fiscal Service (COPFS) to establish a pragmatic and realistic approach to digital forensic examination requests.*

A pilot between police Digital Forensics and COPFS and its Standard Forensic Instructions (SFI) has been undertaken in the east of the country. This evidenced challenges with Police Scotland processes, but also the benefits of having a single COPFS point of contact. Nimbus case management system has now been introduced which has had a positive impact on police Examination Request Forms (ERFs). Digital Forensics has

designed and implemented an automated management system for Cyber Kiosk requests which has reduced backlog.

The original recommendation sought evidence of a "realistic and pragmatic approach to digital forensic examination requests" with COPFS. HMICS' assessment from the Progress Review reiterated the need for an 'urgent review' of Digital Forensics. This has been effected and evidence of the outcomes of staffing uplift is detailed above under Recommendation 5. The proof of concept undertake in the East was successful and demonstrated the value of having a single point of contact model in place with COPFS.

COPFS has committed to rolling this out across the rest of the country. However, this has not yet taken place and Police Scotland is reliant upon COPFS to identify and train staff. COVID impacted training delivery but dialogue with COPFS remains open and work continues to fulfil this ambition.

Separately Police Scotland and COPFS have had discussions on evidential thresholds and whether limiting examinations in terms of numbers of devices being examined or applying numerical thresholds to images recovered is desirable. However, both share concerns that the risks of missing '1st generation' imagery remain unmitigated and, consequently, such an approach cannot be supported at this stage.

A review has been undertaken around the more effective use of Cyber Kiosks, exploiting their capability further to improve processes. There is also a Summary case pilot scheme where more information is introduced from Cyber Kiosk examinations into summary cases

The direction of travel is clear and Police Scotland has undertaken significant activity to achieve a "realistic and pragmatic approach" with ongoing dialogue around progress. HMICS has indicated a preference for this recommendation to remain open until further roll out of the COPFS SPOC model. A further evidence submission to HMICS will be prepared.

Recommendation 11 - *Police Scotland must ensure that sufficient welfare provision is available and provided to staff working within this area of policing.*

A final draft welfare strategy has been developed and is subject to internal review, prior to engagement with staff associations and ultimately submission to the TOCSA Strategic Group for ratification. The strategy encompasses each business area involved in the end-to-end process of OCSAE Investigations. Once the strategy has navigated these internal governance processes, it will thereafter be submitted to HMICS.

2.3 Timescales & Interdependencies

As previously reported, the impact of the pandemic on timescales for progress was not insignificant. Many of the recommendations required collaboration across multiple Police Scotland business areas, including ICT activity and HR support where recruitment has been required. These complex and cross cutting interdependencies have at times pushed out timescales for certain recommendations however there is an enduring commitment to driving progress to discharge the outstanding recommendations.

2.4 Demand

The progress outlined is set against a backdrop of sustained increases in OCSAE cases. Like all UK Law Enforcement, Police Scotland continues to experience increased volume. Based on **2022/23 Q2** performance statistics, 936 online child sexual abuse crimes were recorded in Scotland, **an increase of 6.4% on the five year mean**. Police Scotland's detection rate for this period is 68.4%, an increase of 2.4% on the five year mean.

Certain types of OCSAE referrals, known as industry or volume referrals, originate from the US National Centre for Missing & Exploited Children (NCMEC) and are referred into Police Scotland via the National Crime Agency (NCA). These referrals have risen significantly in recent years:

	2015	2016	2017	2018	2019	2020	2021	2015-2021 increase
Total Referrals	509	817	1581	1346	1961	2422	3111	
% increase on previous year	n/a	+60.5%	+93.5%	-17.5%	+45.6%	+23.51%	+28.45%	+511.2%

- This shows a **511.2% increase from 2015 to 2021.**
- From **2019 – 2021** these referrals **generated 2,498 NOCAP investigations**.
- **75.8%** of these were **suspect** NOCAP investigations.
- **24.2 %** were **Child at Risk** (CAR) NOCAP investigations (often a child uploading imagery themselves where it is not clear if there is associated criminality such as grooming behaviour)

The table below illustrates the related demand increases on enforcement teams – whether Local Policing or National Child Abuse Investigation Unit

(NCAIU). **Suspect NOCAP investigations have increased** by **169% for the 2013 – 2021** period.

Suspect NOCAPs	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 ytd
TOTALS	362	452	515	479	617	463	608	910	975	702

Child At Risk (CAR) investigations also comprise a significant but lesser proportion of the demand flowing from OCSAE referrals and have also increased significantly in recent years. CAR currently comprise circa 28% of the overall NOCAP investigations. The acceleration in demand in recent years is assessed to be closely related to the increasing prevalence of SGII (self-generated indecent imagery).

C.A.R. NOCAP	2017	2018	2019	2020	2021	2017-2021 increase
Total Allocated	67	127	153	224	382	
% increase on previous year	--	+89.6%	+20.5%	+46.4%	+70.5%	+470.1%

NOCAP investigations vary significantly in complexity, some being comparatively straightforward, whilst others can be hugely complex, with cross jurisdictional dynamics requiring protracted investigation. Many can lead to real time child protection enquiries requiring immediate safeguarding.

NOCAP investigations do not account for the significant number of OCSAE investigations that arise from calls from members of the public. It is more challenging to quantify these definitively. Routine daily monitoring by the National Child Abuse Investigation Unit (NCAIU) typically shows between 4 and 10 such calls daily, but assumes accurate placement of 'Cyber' or 'OCSAE' markers on systems to allow such incidents to be identified. Another feature is that a report of a contact sexual offence might not highlight that initial contact was in fact online.

Both types (industry referrals and calls from the public) are reflected in the **6.4% increase in OCSAE crimes for 2022/23 Q2 against the 5 year mean**.

2.5 NOCAP Allocation

NOCAP undoubtedly remains an essential investigative option as we seek to improve the safety and wellbeing of people, places and communities in Scotland. OCSAE investigations are conducted by both Police Scotland's Local Policing teams and the NCAIU. The rigour applied to risk assessment and triage is more comprehensive than it has ever been.

During the pandemic, Police Scotland transformed its approach to the allocation of OCSAE investigations generated through the NCMEC referrals and NOCAP process.

Prior to the pandemic around 80% of the investigations generated through this process were allocated to Local Policing. This has been reversed, NCAIU now takes 85% of these investigations helping to bring national consistency to risk assessment, triage and prioritisation. While this transformation began through the Operation PARROR Task Force (September 2020 - March 2021) it was the post-PARROR NCAIU small staffing uplift that allowed the NCAIU to cement these processes and sustain its hugely increased level of NOCAP allocations post Op PARROR and to date.

Despite improvements in process and pro-activity the wider demand challenges described earlier remain. These will only be resolved when all parts of the system are truly in equilibrium and resourced to a level that manages workloads and associated risk to a level the force is comfortable with.

NCAIU has formalised and introduced a Risk Assessment & Prioritisation Strategy to continually improve our response to prioritisation of NOCAP enforcement, ensuring finite resources are deployed against the highest risk.

On a weekly basis liaison takes place between the NCAIU Senior Investigating Officers (SIOs) and the Digital Forensics NOCAP Team to plan and schedule enforcement for the following week. This ensures appropriate planning to maximise the scarce Digital Forensic resource. There are factors which can impact on the successful outcome of enforcement, but with circa 85% of suspect NOCAPs being actioned by the NCAIU, the forecast provides flexibility to deploy to other enforcements where challenges are experienced. This approach is explored with Local Policing but there is not always the wider flexibility to allow redeployment to an alternative job. Ongoing liaison between NCAIU OCSAE SIOs and their relevant Local Policing counterparts seeks to minimise this, but it can mean a very small number of DF support slots are not maximised.

2.6 Current Statistics

Work continues under Operation PARROR with enforcement action undertaken in respect of 1813 NOCAP Investigation enquiries since September 2020. Currently Police Scotland recover Child Sexual Abuse Material in 63% of enforcements. 1710 children have been protected through this work and 984 people arrested.

Despite these figures, enduring challenges remain with demand increases continuing to place a strain on resources. The Internet Investigations Unit has always had a workload queue, however ongoing retirals and transfers alongside prolonged staffing gaps are exacerbating the wider demand increases. In October the unit had circa 900 undeveloped intelligence referrals, an unprecedented level. Not all of these will result in a NOCAP investigation, but the majority will.

Despite resource uplifts, Digital Forensics' capacity is still not in equilibrium with the greater (by contrast) enforcement capacity that exists across NCAIU and Local Policing teams. Consequently there is an enduring enforcement backlog for NOCAP enforcement. This has always existed to some extent but has risen steadily in the past 18 months and presently is 229 (14/11/2022 - across both NCAIU and Local Policing Public Protection Teams).

This remains under active consideration by the Force Executive.

2.7 Governance & Strategic Engagement

Police Scotland's internal governance has improved and its wider strategic engagement is demonstrable. We are an active participant in the UK NCA-led structures including the Pursue and Prevent Boards and the NCA Strategic Governance Group. Police Scotland internally operates a TOCSA Gold (Strategic) and Silver (Tactical) structure. Various subgroups, such as the Online Child Abuse Activist Groups (OCAG) Practice & Policy Group, the Multi-Agency Preventing OCSAE Group (MAOCSAE) and Child Abuse Image Database (CAID) Working Group all report to TOCSA Tactical.

2.8 Partnership & Prevention

Police Scotland has enhanced the partnership approach to OCSAE. In late 2020 Police Scotland implemented the Multi-Agency Preventing OCSAE Group (MAOCSAE). This coordinates and develops learning, and seeks to mutually support partners' campaigns to maximise exposure. This group has helped build new relationships with academia and third sector as well as the South West Grid for Learning, the UK Child Internet Safety - Early Warnings Group and not least with the Ofcom Scotland team with whom Police Scotland is working closely to develop process and procedure in anticipation of its new role within the new Online Safety Bill.

Police Scotland is now part of an approved, EU funded consortium aiming to develop first class risk assessment and preventative tools and to develop preventative materials for professionals and education purposes alike. The Horizon EU '2PS' (Prevention & Protection Through Support)

launched in Warsaw in October 20222 and is a 3 year funded programme with participation from law enforcement, health and academia from across Europe.

During 2020 and 2021 Police Scotland delivered the perpetrator-focused **#GetHelpOrGetCaught** online grooming campaign. During the four phases of the campaign, **133,000 unique individuals** from Scotland were directed to the Stop It Now! Scotland website. It is assessed the true figure may be significantly higher but more accurate measurement is not possible due to cookie control opt-outs.

Most importantly, a minimum **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. While there is no evidence of a direct increase in helpline calls resulting from campaign activity, Stop It Now! has seen a significant increase in calls from Scotland in recent years.

The effectiveness of the campaign was recognised in three national creative and marketing awards. In the Roses UK Creative Awards it won two Gold awards and the Chairman's Award for best first time entry. In the Marketing Society Scotland Star Awards – it won a Silver in the Marketing in Society category. The campaign was also nominated in the international PR Week Purpose Awards.

In 2023, Police Scotland will deliver a further 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 to a greater extent and were exacerbating the risk to children and young people from online harms.

Police Scotland aims to build on the success of its #GetHelporGetCaught campaign and use the format of the hugely successful That Guy! Campaign to develop an Image Based Sexual Abuse campaign in 2023.

2.9 Progress in Other Key Areas

A pertinent feature of the HMICS Inspection was the assessment that Police Scotland was not as effective in its pro-active policing of OCSAE as it might or should be, including lawful exploitation of covert tactics. Related to this was a wider perception that OCAG's (Online Child Abuse Activist Groups) were filling that void, often in a manner that compounded or created further risk.

Police Scotland has since reformed structures to better support the covert, proactive mission and an Operational Lead Team has been created within the NCAIU structures to target offenders. The team was established in July 2021 bringing together open source researchers, intelligence operatives, and investigators with specialist child protection knowledge and experience all under the management of a dedicated Senior Investigating Officer and Deputy with specific roles in managing undercover operations. The Operational Lead Team works jointly with the Special Operations Unit to improve and implement a structured approach to pro-actively targeting OCSAE offenders active in Scotland, ensuring that we work to national standards in line with all UK Law Enforcement.

The creation of this team implemented a recognised UK-wide structure, ensuring Police Scotland is much better placed to manage the demand and associated risks that come with undercover policing in general, and to service newly granted lawful authorities.

The Operational Lead team, along with the Special Operations Unit, has delivered a number of successful target operations since July 2021. We continue to progress in this area and are a valued member of the UK network.

The process by which individuals are referred into Police Scotland who have or are being targeted by other UK Law Enforcement Operational Lead Teams has been reviewed and moved from IIU to the NCAIU. This means the Police Scotland SPOC, referral review, intelligence development and enforcement sit within one business area under the direction of dedicated NCAIU OCSAE SIO's. This has realised investigative benefit, capacity gains for IIU (meaning IIU has improved capacity to deal with the NCMEC referrals demand). It has increased demand on certain NCAIU teams, however the process is under trial and subject of monthly review and is assessed to be working well.

The NCAIU has championed the use of Cyber Kiosks in support of OCSAE enforcement where appropriate. (They are typically NOT used for IIOC triage). This is mainly in the execution of Undercover Online (UCOL)

Investigation packages and aims to reduce unnecessary examination demand on Digital Forensics.

As detailed herein, SCD Public Protection NCAIU has undertaken significant work to reform and improve processes and structures and to realise efficiency gains. There have been successes but critical areas of reform remain outstanding around resourcing of the end-to-end OCSAE process and more enhanced technical solutions.

2.10 Next Steps

Police Scotland continues to progress towards finalising outstanding pieces of work for the undischarged recommendations and also the work to bring to a conclusion and submit further evidence for the outstanding recommendations.

Police Scotland awaits feedback from HMICS as to whether those recommendations might be discharged or further evidence is required.

Whilst the majority of this work stream sits within ACC Smith's portfolio of Public Protection, the area of Digital Forensics provision sits within the portfolio of ACC Freeburn.

Both ACC Smith and Freeburn meet regularly to drive efficiency and effectiveness across these disciplines, which are both essential for the protection of children and the identification of offenders.

As requested by the Committee, this paper also outlines some of the specific challenges which are being encountered in Digital Forensics which we are currently attempting to address.

Scale and Complexity of the Challenge

The ever-increasing scale of investigating OCSAE is not only being witnessed in Scotland (511% increase in last 5 years), but is also reflected worldwide.

The breath of technology and proliferation of platforms such as the Dark Web, encrypted communication (such as WhatsApp, Snapchat and Telegram) and the use of crypto currency make investigating crime of this nature extremely difficult and time consuming, but not impossible.

Despite a resource uplift of 29 staff this year, Digital Forensics' capacity is still not in equilibrium with the greater enforcement capacity that exists across NCAIU and Local Policing teams. Consequently there is an enduring enforcement backlog for NOCAP enforcement. This is imminently expected

to reduce as these new staff have been recruited and trained and are now ready to bolster our efforts.

Partnership Working and Collaboration

As the challenge of CSAE is not unique to Police Scotland, we have forged a network of strategic partnerships across the UK and the world.

We are currently working closely with the NCA and COPFS to ensure that our processes are constantly evolving and improving and are liaising with a range of international law enforcement partners to obtain intelligence, share data and best practice and carry out joint-enforcement activity.

Use of Technology

Police Scotland have a Policing in a Digital World Programme to constantly examine how we grow and shape our capabilities to meet the increasing threat and harm of child sexual abuse and exploitation.

We completely understand the need to ensure public confidence and appropriate safeguards in developing new technologies, however the challenge is to balance this against our statutory obligations to keep children safe and make best use of available technologies to assist us in this mission.

Developing and introducing new technologies also requires significant financial investment and additional resource to assist with the change and transformation process. As an illustration, one software licence for a single product we commonly use, is the same cost as a police officer's annual salary.

Technology can of course make Police Scotland more efficient and effective and make better use of police officer's time and this is actively explored through the Policing in a Digital World Programme.

Recruitment and Retention Challenges

Our recent recruitment drive to secure an additional 29 digital forensic staff, highlighted that there are insufficient academically qualified candidates for these very specialist roles and the nature of the role can be unappealing for some.

Retaining staff within our Digital Forensics is also challenging as once in role, their training and experience is often attractive to private industry, who can often offer greater remuneration.

In order to address this, we are establishing strategic alliances with a number of academic partners across the country which will allow us to be at the forefront of new research and also assist us in identifying new staff with the skill sets required by an effective modern police service from both a digital forensics and cyber investigations perspective.

Welfare and Well-Being

The personal impact on our officers in viewing and categorising CSAE images should not be under-estimated and it is important that we seek to minimise their exposure through technology and efficient processes, whilst ensuring that the identification of children at risk is paramount.

The work highlighted in recommendation 8 to work with the COPFS to establish a pragmatic and realistic approach to digital forensic examination requests continues at pace with a key objective being to establish a balance which ensures we meet the welfare and well-being provisions for our staff whilst maximising child protection opportunities.

3. FINANCIAL IMPLICATIONS

Whilst there are cost implications associated with the work underway as a consequence of some of the recommendations, finances have been identified and allocated and there remain no identified financial risks connected to the delivery of the recommendations.

4. PERSONNEL IMPLICATIONS

There are resourcing and wellbeing aspects to some of the recommendations, but there are no strategic personnel issues identified.

5. LEGAL IMPLICATIONS

There are no legal implications in this report.

6. REPUTATIONAL IMPLICATIONS

There are reputational implications in this report as detailed in the main body of this report.

7.   SOCIAL IMPLICATIONS

There are social implications in this report as detailed in the main body of this report.

8.   COMMUNITY IMPACT

There are community implications in this report as detailed in the main body of this report.

9.   EQUALITIES IMPLICATIONS

There are no equality implications in this report.

10.   ENVIRONMENT IMPLICATIONS

There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the content of the report.