



HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Strategic review of Police Scotland's response to online child sexual abuse – Terms of Reference

September 2019

HM Inspectorate of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012¹ and has wide ranging powers to look into the 'state, effectiveness and efficiency' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).

We have a statutory duty to ensure that the Chief Constable and the SPA meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions
- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given
- Where we make recommendations, we will follow them up and report publicly on progress
- We will identify good practice that can be applied across Scotland
- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.²

This inspection will be undertaken by HMICS in terms of Section 74(2) of the Police and Fire Reform (Scotland) Act 2012 and laid before the Scottish Parliament in terms of Section 79(3) of the Act.

¹ Chapter 11, Police and Fire Reform (Scotland) Act 2012.

² HMICS, [Corporate Strategy 2017-20](#) (2014).

Our review

Aim

1. The aim of this inspection is to provide a strategic overview of Police Scotland's response to online child sexual abuse, which will raise public awareness of the issues and enhance the understanding of policy makers and practitioners. It will highlight any areas of good practice as well as those in need of improvement, and potentially act as a catalyst for further scrutiny of related areas of policing.

Background

2. In the HMICS Scrutiny Plan 2019-20 we outlined our intention to conduct a strategic review of Police Scotland's response to cyber enabled, cyber dependent and internet facilitated sexual crime as it relates to children, collectively referred to as online child sexual abuse.
3. In our Crime Audit published in 2016³ we outlined that 11.4% of recorded sexual incidents had a cyber element to it, a significant proportion of these involved children. At that time we highlighted the risk of sexual harm online; the changing nature of demands placed on the police service; the limitations of the current crime recording standards to capture the scale of cyber-enabled sexual crime, and the need to develop the policing response to online sexual harm.
4. Our 2017 inspection of SPA's Forensic Services⁴ pointed to the anomaly of digital forensics being located and managed within Police Scotland, when all other forensics services sit deliberately separate from Police Scotland in the Scottish Police Authority Forensic Services. We recommended that Police Scotland consider introducing accreditation processes similar to those achieved by SPA Forensic Services and that consideration should be given to moving digital forensics into SPA Forensic Services:

Recommendation 9

Police Scotland should consider quality accreditation for digital forensics in line with Forensic Science Regulator recommendations, UK Forensic Strategy and wider good practice in order to support effective public performance reporting and assurance.

5. This is the first scrutiny exercise conducted by HMICS to specifically focus on online child sexual abuse.

Context

6. Police Scotland has publicly stated that online child sexual abuse is a top priority for policing and poses a significant risk to children, their families, communities and society at large. Protecting vulnerable people and tackling cyber related crime are both identified priorities in the Police Scotland Annual Policing Plan 2019-20: "We will continue to direct our resources to the issues that cause most harm, including...child sexual abuse" ; "An increasing range and volume of crime is committed online and we must adapt to tackle this threat".

³ HMICS, [Crime Audit: 2016](#), 21 September 2016.

⁴ HMICS, [Thematic Inspection of the Scottish Police Authority Forensic Services](#), 27 June 2017.



7. In recognition of the threat and risk of online sexual abuse to children and young people, Police Scotland, in conjunction with the national child protection charity, Stop It Now, launched campaigns in 2018 and 2019 aimed at those engaged in online grooming of children for sexual purposes, online or webcam sexual extortion including live streaming of abuse and viewing and sharing indecent images of children online.
8. Recorded incidents of online child sexual abuse have increased significantly in recent times. At the launch of the “Stop It Now” campaign in March 2019, Police Scotland reported that it had recorded nearly 1600 crimes where an individual communicated with a child for sexual purposes between April 2018 and February 2019.⁵ This is an area of significant risk and one of public concern.
9. Police Scotland’s response to online child sexual abuse is structured across five key areas:
 - Intelligence
 - Overt response
 - Covert response
 - Digital Forensics
 - Prevention
10. Online child sexual abuse is a child protection issue however the nature of this type of offending and the structure of Police Scotland is such that their response is a multi-faceted one across a number of business areas. The 13 local policing divisions are typically responsible for the front-line operational response but this is supported by, and interdependent with the functions and responsibilities of departments within Specialist Crime Division (SCD). The National Child Abuse Investigation Unit (NCAIU sits within Public Protection) and has strategic responsibility for child protection and some investigations; the Internet Investigations Unit (IIU) and Specialist Operations Unit sit within the Organised Crime and Counter Terrorism Unit (OCCTU) portfolio and have responsibility for covert deployment and digital forensic examination functions and the National Intelligence Bureau (NIB) provides a specialist intelligence support function across all business areas.
11. OCCTU is also the point of contact for external agencies including the National Crime Agency (NCA) and, by extension, international law enforcement jurisdictions and agencies such as the Violent Crimes Against Children International Task Force (VCACITF).
12. Prevention in relation to this area of policing is the responsibility of the national Safer Communities Department (also part of SCD).

⁵ [Police Scotland](#).



Objectives

13. We will align our inspection with these priority areas and measure the effectiveness of their response to include an assessment of:

- Leadership and the strategic direction of the service in tackling this growing area of concern and risk
- The effectiveness of organisational structures in tackling online child sexual abuse
- The typical 'end-to-end' response to a report of online child sexual abuse
- The quality of data collection to understand the extent and nature of abuse and to inform strategies, plans and priorities
- The quality of analytical support in terms of problem profiles, demand analysis and individual operational development
- The effectiveness of tasking and coordinating processes in prioritising and mitigating risk
- Resources in terms of capacity, knowledge and experience
- How those resources are allocated to prevent, investigate and detect child abuse committed online, and how consistent the approach is across Scotland
- The availability of specialist support and the accessibility by front line staff
- The role, function and effectiveness of intelligence support as it relates to online child sexual abuse
- Interface with other law enforcement partners, including National Crime Agency (NCA)
- Availability of support services for victims and offenders across Scotland.

Out of Scope

14. Harmful online activity in relation to children covers an expansive range of subjects and to ensure that this inspection adds value it is necessary to remain focussed. This inspection therefore will not incorporate issues including cyber bullying, online emotional abuse and sexually explicit electronic messages between children.

15. This inspection will not examine those individuals subject to formal offender management arrangements.

16. Findings of this inspection however may identify a requirement for, and inform other future pieces of inspection work.

Methodology

17. We will use the HMICS Inspection Framework⁶ to provide a consistent and objective structure to our inspection. Our findings and any recommendations for improvement will be cognisant of the Framework themes of:

- Outcomes
- Leadership and governance
- Planning and process
- People
- Resources
- Partnerships

⁶ HMICS, [Inspection Framework 2018](#).



Stage 1 – Design, Planning and Initial Scoping

18. This stage will include the development of our inspection framework, aligned to this Terms of Reference, to provide focus for the collection and assessment of evidence. This will identify the key requirements of the inspection with a view to minimising the overall burden on operational service delivery without compromise to the inspection objectives.
19. Stage 1 will include the collection and review of relevant documentation to include those that relate to policy, strategy, guidance, procedures, plans and strategic assessments.

Stage 2 – Fieldwork

20. To assess the strategic and operational response to online child sexual abuse we will seek evidence from a range of sources in the form of focus groups with police officers, police staff, partners and stakeholders. Specific topics and questions for interviews and focus groups will be structured around our inspection framework, aligned to the inspection objectives. Where appropriate we will observe relevant meetings.

21. This stage will include:

- a review of the current leadership, governance, management and oversight arrangements
- interviews with relevant staff within the key departments and functional areas to include NCAIU, NIB, IIU, and Special Operations Unit
- interviews with a selection of territorial divisional staff with responsibility or experience of online child abuse investigations to establish the level of consistency across Scotland
- interviews with relevant senior police officers with operational or strategic responsibility
- observations of internal governance arrangements including tasking and co-ordinating group meetings
- benchmark Police Scotland's response with approaches adopted elsewhere in the UK
- engagement with partners and stakeholders to establish the effectiveness of collaborative working
- engagement with Crown Office and Procurator Fiscal Service (COPFS).

22. Should HMICS identify any areas for immediate improvement during our review in respect of children at risk, these will be communicated directly to Police Scotland for consideration, details of which will be outlined in our final report.

Stage 3 – Review and analysis of evidence

23. All evidence gathered during stages 1 and 2 will be analysed to identify key themes, good practice and any areas for improvement. Where appropriate, we will identify areas for further examination and analysis which may require additional fieldwork activity and therefore impact on our reporting timescales.



Publication and Reporting Timescales

24. Our review of Police Scotland's response to online child sexual abuse will take place in autumn/winter 2019. We will prepare a report to outline our findings and recommendations for improvement. Where we identify good practice, this will be highlighted in the report.
25. Quality assurance will be provided through internal review and factual accuracy checking by relevant stakeholders who have contributed to the evidence base of the report.
26. We anticipate publishing a report of our findings in January 2020. The report will be laid before the Scottish Parliament under section 79 (3) of the Police and Fire Reform (Scotland) Act 2012.
27. For further information about our inspection, please contact Louise Raphael, Associate Inspector, (louise.raaphael@gov.scot).

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HM Chief Inspector of Constabulary in Scotland
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