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POLICING SEXUAL OFFENCES AND SEX OFFENDERS

Terry Thomas

Palgrave Studies in Risk, Crime and Society

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Policing Sexual Offences and Sex Offenders

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List of Abbreviations

ACPO	Association of Chief Police Officers
ACRO	ACPO Criminal Records Office
ARMS	Active Risk Management System
CAID	Child Abuse Image Database
CAST	Centre for Applied Science and Technology (Home Office)
CEOP	Child Exploitation and Online Protection Command
CJJI	Criminal Justice Joint Inspection
CLPD	Common Law Public Disclosure
CRB	Criminal Record Bureau
CRI	Crime Related Incidents
CSA	Child Sexual Abuse
CSE	Child Sexual Exploitation
DBS	Disclosure and Barring Service
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
ECRIS	European Criminal Records Information System
EEK	Early Evidence Kit
EIS	Europol Information System
ENU	Europol National Unit
FE	Forensic Examiner
FIB	Force Intelligence Bureau
FSS	Forensic Science Service
FTO	Foreign Travel Order
GCHQ	General Communication Headquarters
HMIC	HM Inspectorate of Constabulary
HOCR	Home Office Counting Rules
ICAID	INTERPOL's Child Abuse Image Database

ICPC	International Child Protection Certificate
IMPACT	Information Management, Prioritisation, Analysis Coordination and Tasking
INTERPOL	International Criminal Police Organisation
IPCC	Independent Police Complaints Commission
MAPPA	Multi-Agency Public Protection Arrangements
NCA	National Crime Agency
NCB	National Central Bureau
NCIS	National Criminal Intelligence Service
NCRS	National Crime Recording Standards
NDNAD	National DNA Database
NEU-ECR	Non-European Union Exchange of Criminal Records
NOMS	National Offender Management Services
NOS	Notifiable Occupations Scheme
NPCC	National Police Chiefs' Council
PACE	Parents Against Child Sexual Exploitation
PNC	Police National Computer
PND	Police National Database
QAF	Quality Assurance Framework
QUEST	Query Using Extended Search Techniques
RSHO	Risk of Sexual Harm Order
RSO	Registered Sex Offender
SACJ	Structured Anchored Clinical Judgement
SARC	Sexual Assault Referral Centre
SCAS	Serious Crime Analysis Section
SCB	Safeguarding Children Board
SHPO	Sexual Harm Prevention Order
SIRENE	Supplementary Information Request at the National Entry
SIS	Schengen Information System
SMB	Strategic Management Board
SOCA	Serious Organised Crime Agency
SOIT	Sexual Offences Investigative Techniques
SOPO	Sexual Offences Prevention Order
SPR	Strategic Policing Requirement
SRO	Sexual Risk Order
STO	Specially Trained Officer
TPN	Trans-national Policing Network
UKCA-ECR	UK Central Authority for the Exchange of Criminal Records
ViCLAS	Violent Crime Linkage System

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CHAPTER 1

Introduction

Abstract Sexual offending has been a growing concern for the police and this book examines the different forms this concern takes. The book is divided into two parts, looking firstly (Chaps. 2, 3, 4 and 5) at the traditional police role of taking reports from alleged victims and other sources. It looks at the difficulties people have sometimes experienced in making reports to the police, coming up against the so-called culture of disbelief that some officers have expressed. The second part (Chaps. 6 and 7) considers the two relatively new roles that the police have taken on in 'managing' sex offenders on the sex offender register and in disseminating information about sex offenders to selected members of the public and to employers.

Keywords Sexual offending • Policing • Management of sex offenders

Sexual offending is a social concern that affects all levels of society. In the UK, sexual offending has also become a mainstay of our news bulletins and, whether it is offences against individual adults in the form of rape and sexual assault, or child sexual abuse within families, and Asian gangs grooming teenage children for sexual exploitation, the headlines about sexual offending have become pervasive.

T. Thomas, *Policing Sexual Offences and Sex Offenders*, Palgrave Studies in Risk, Crime and Society, DOI 10.1057/978-1-137-53239-8_1

Sexual offending covers 'historic' or 'non-recent' offending by well-known celebrities and entertainers and by teachers and care workers in residential childcare settings. It covers offending by priests and others in religious roles in church settings. It covers the apparent widespread use of indecent images of children exchanged on the internet.

Many agencies work with sex offenders and that work has exercised probation officers, social workers, doctors, psychologists, prison officers, magistrates, judges, and even lay volunteers in their 'circles of support and accountability' for sex offenders.

This book is about the work of the police with people who are suspected of committing or have committed sexual offences. The police are involved at the start of the process of identifying the guilty parties by taking initial reports and investigating all sexual offences at the point they are alleged.

The police have other non-investigatory work in connection with sex offenders, including that of managing all the convicted and therefore 'known' sex offenders living in the community. This non-investigatory role is a relatively new role for UK police officers, usually referred to as 'public protection' work and premised largely on their custodianship of the 'sex offender register' introduced in 1997. The supervision of offenders in the community has traditionally been the work of the Probation Service and continues to be so. This new role for the police is distinguished from the work of probation officers by being referred to as 'assessment of risk' and the 'management' of that risk.

Another non-investigatory role for the police is that of providing information on sex offenders both to members of the public and to employers on the backgrounds of job applicants. This dissemination of information held to employers is to stop, for example, people with recorded sexual offences against children being able to obtain future work with children. It is part of a screening exercise to make sure that 'unsuitable' people are not allowed to work with children or other vulnerable people.

This book seeks to guide the reader through these different aspects of policing sexual offences and sexual offenders. The first part of the book approaches the subject from the position of the police as gatekeepers to the criminal justice system, where they are the first agency to take reports of alleged incidents of sexual offending and to investigate them as crimes. This reporting, and the subsequent police recording of incidents as crimes, is followed by the police investigation of the allegations and the gathering of corroborative evidence to support the complainant's initial statement.

This work is carried out by the police in close cooperation with the Crown Prosecution Service (CPS) who take the case into court.

The wide variety of behaviour that may be recognised as sexual offending has been alluded to in my opening paragraphs. The number of different sexual offences that lead to inclusion on the sex offender register is now over 35 in England and Wales, and even more if we add in the different offences that can be committed in Scotland and Northern Ireland (Sexual Offences Act 2003 Schedule 3). Later, we consider just a few of these offences and how police work approaches them.

All of these police activities take place at a local level, but the police today have clear national and international duties placed on them in relation to sexual offending. Various national initiatives have opened up and, in particular, the role of the police Child Exploitation and Online Protection Command (CEOP) of the National Crime Agency (NCA). These initiatives in turn tie in with international demands on policing through cooperative information exchanges with the police forces of other countries through mechanisms such as INTERPOL or EUROPOL.

The first part of this book looks at the initial work of the police when possible offending is brought to their attention.

The second part of the book examines police work at a local level when the people convicted of sexual offending and thereby confirmed as sex offenders come back to their notice after serving a sentence. Since the introduction of the 'sex offender register' the police have the task of assessing the risk of the offender and managing that risk when they live in the community; this may follow a period in prison or resume immediately after the court has given them a community sentence. This regulatory and managerial role is very different from the traditional investigatory role of the police and can involve them in applying to the courts for restrictive civil orders to assist them in their managerial role.

Further regulatory work takes place when the police make use of the considerable amount of personal information they now collate on the people who commit sexual offences. This work includes the dissemination of that information to parties outside the criminal justice networks that the police work within, to employers and other third parties, in the interests of crime prevention and public protection. This use of personal information is also dealt with in the second part of the book.

PART I

Policing Sexual Offences

CHAPTER 2

Reporting and Recording Sexual Offences

Abstract Reports of sexual offences come in to the police from individuals and other sources, such as child protection conferences and Multi-Agency Safeguarding Hubs (MASH). In the past, the police have been criticised for receiving these reports within a 'culture of disbelief'. Does such a culture really exist or have current training initiatives been able to change this culture? The chapter also looks at the movement of initial reports into recorded crimes that require investigation and the monitoring of this movement by such bodies as the national police Rape Monitoring Group.

Keywords Reporting sexual offences • Police cultures • Sexual assault referral centres (SARCs) • Attrition

Introduction

The initial reporting of sexual offences to the police and, in turn, their recording of those offences is the starting point to understanding the police approaches to sexual offending. The report is made by the complainants themselves or perhaps another party acting on their behalf. The latter might take place if the adult concerned is too fearful of coming forward or if the alleged victim is a child.

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A number of studies have put rape and sexual assault as one of the most under-reported of crimes with victims themselves reluctant to report their experiences directly to the police or any other authorities (Kelly et al. 2005). Efforts have been made to try and understand why this should be, what factors are influencing the decision to not report and what can be done to improve the reporting rate of sexual offending. Reasons offered in the past have included the victim's fear, intimidation, embarrassment, and denial that a crime had taken place, but it could also be because of a negative attitude towards the police and what became known to journalists as the police 'culture of disbelief'. Individuals can make their own reports of sexual crime to the police, but there have been longstanding problems related to complainants of sexual crimes reporting directly to the police. The police have been accused of disinterest, insensitivity, and of not believing the complainant and they have, accordingly, put efforts into improving this position.

Reporting

Reports from Individual Complainants

The police have been criticised as being a largely male-dominated organisation lacking the required sensitivity needed to listen to people, who were often women and children. If a man had been sexually assaulted by another man, the police could be equally dismissive (Abdullah-Kahn 2008). People have also cited the lack of facilities for medical examinations in the past and the general lack of support services for victims of sexual offences. For many years, it was only police women who took reports and statements of sexual crimes from women and child victims. This had been recommended by the 1929 *Royal Commission on Police Procedures and Powers*:

> We have come to the conclusion that a sufficient number of qualified and specially trained women should be made available to take statements from all young girls and children, in sexual cases'. (Home Office 1929: para.246)

The *Royal Commission* did not mind if these women were not actually police women (ibid.).

The conventional wisdom has been that this position changed when the Sex Discrimination Act 1975 led to this taking of initial reports being shared equally between male and female officers. The outcome of this integration of work revealed that the male police officers themselves were

not very sensitive in the role of interviewing victims of sexual assault. Temkin cites training advice from a detective sergeant in the 1970s that:

> It should be borne in mind that except in the case of a very young child the offence of rape is extremely unlikely to have been committed against a woman who does not immediately show signs of extreme violence … [with] no such signs of violence she must be interrogated. Allow her to make her statement to a policewoman and then drive a horse and cart through it. It is always advisable if there is any doubt of the truthfulness of her allegations to call her an outright liar … (cited in Temkin 2002: 4)

Even more publicly, the police revealed themselves in the 1982 BBC television documentary called *Police* made by Roger Graef. Two male officers from the Thames Valley Police were filmed being hostile and disbelieving to a woman trying to tell them what had happened to her. The officers were aware of being filmed but appeared to think there was nothing wrong with their approach:

> [The police] were completely taken aback by the public outcry that followed … this single incident provided the impetus to reform the procedures by which violence against women is policed … . (Gregory and Lees 1999: 4)

The Home Office quickly issued advice to all constabularies pointing out how these interviews could be improved (Home Office 1983). Recommendations included a need for more sensitive interviewing and the need for early medical examinations to allow the victim to get washed and changed more quickly. The degree to which the wider integration of male and female officers was actually taking place within police services after 1975 continued to be questioned. The Equal Opportunities Commission believed that in effect little real implementation of the 1975 Act had ever taken place:

> By the end of the 1990s women made up 25 percent of officers at constable rank in England and Wales … Over 90 percent of all women officers held the rank of constable, compared with 75 percent of men; whilst nearly 95 percent of officers at inspector level and above were men. (EOC 1998)

A Home Office report revealed that in 2010 there had been an improvement, but women officers were still more likely to be deployed into work interviewing women and child victims of sexual crimes despite the formal changes:

> the high proportion of female officers concentrated in the Child/Sex/Domestic categories also raises questions over whether female officers are being deployed on the basis of gender stereotypes. (Home Office 2010: 12)

One way of assisting the complainant making a statement in a sexual offences case has been to use 'Specially Trained Officers' (STOs) who understand the nuances of sexual offences. Other names have been given to such police officers such as Sexual Offence Liaison Officers (SOLOs), Rape Trained Officers (RTOs), and Sexual Offence Investigative Technique (SOIT) officers, but the preferred terminology since 2007 has been the Specially Trained Officer (STO).

STOs have been able to offer an assistance leading to more successful prosecutions, but their existence is precarious and not always appreciated. Often, they have to add their role on to that of a uniformed response officer which underestimates the amount of time they may spend with complainants and victims. Another feature of their job has been that of it not being fully understood by managers and supervisors, which could lead to feelings of being unsupported (McMillan 2015).

A Culture Clash?

'Occupational cultures' exist in many different professions and are generally seen as providing the shared understanding of those who carry out the job and of what is and is not permissible in the everyday 'working rules' of that job. An 'occupational culture' is not a totally negative culture in opposition to the formal professional culture, especially in a job where danger and stress is met with on a regular basis. The problem arises only when the 'occupational culture' with its informal 'working rules' does start to take precedence over the formal 'professional culture' and its formal rules.

In the case of the police and its predominantly male 'occupational culture', this has in the past created a barrier to discourage the reporting of sex crimes.

As one observer looking at police work put it:

> What was revealed was a claustrophobic workplace culture which presumed conformity to a hegemonic white male heterosexual culture and condoned vituperative sexist and racist attitudes and behaviour. (McLaughlin 2007: 146)

The pervasive male 'occupational culture' of the police has been pointed to as the basis of the 'culture of disbelief'. The 'culture of disbelief' had its own myths and stereotypes on what constituted sexual offending—where and how it took place and how it could be guarded against. The 'culture of disbelief' could also result in an inordinate focus on the victim and her trustworthiness in telling her story. It could also, of course, be that the victim had been a man raped by another man; an area of police work being increasingly recognised (see e.g. Badenoch 2015).

Consent—or lack of consent—is at the heart of cases of rape. The initial police investigation seeks to confirm that consent was given with the freedom and capacity to make it a meaningful consent. Sometimes, this will be straightforward, but at other times it will not.

The majority of rapes are perpetrated by someone known to the victim, where it is normally one person's word against another. Often, there are no bruises or forensic evidence available. Proving what happened, beyond reasonable doubt, in such cases is extremely difficult. It is initially the task of the police to ensure the best evidence is collected and presented.

Drink or drugs, for example, have been singled out as factors likely to impact upon the complainant's ability to make that free choice. The police have the unenviable task of unravelling what went on.

The Sexual Offences Act 2003 tried to create a clearer understanding of the law on consent. Section 1 of the Act defines the act of rape and sections 74–76 elaborate on the meaning of rape. Section 74 of the Act states that 'a person consents if he agrees by choice, and has the freedom and capacity to make that choice'. Section 75, provides examples of circumstances in which it is presumed a complainant did not consent such as:

- where the victim was asleep or unconscious, or could not communicate consent because of a physical disability; and
- where the victim had been given a substance without their consent that was capable of causing them to be overpowered at the time the alleged rape took place. This includes the possibility that a victim's drink has been 'spiked'.

In the early 2000s there was much media concern about men 'spiking' the drinks of women in order to facilitate rape or sexual assault by reducing their capacity to make a reasoned consent. Student unions started issuing lids to fit on the glasses of alcohol consumed in their bars. The law now recognises this activity as a 'preparatory offence' of 'administering a

substance with intent to engage in sexual activity' (Sexual Offences Act 2003, s.61–63 and s.75 (2) (f)). How much of this 'spiking' was actually going on remained uncertain (see e.g. Burgess et al. 2009).

The 'culture of disbelief' had components in it that amounted to 'myths' and had created what some called the 'ideal' victim of the 'real rape'. That individual victim had been attacked by a stranger in a dark alley, had suffered injuries, and had gone straight to the police to report it. It was less likely to be a rape if the woman had dressed provocatively, been drunk or taken drugs, and had never screamed or fought her attacker. The 'real rape' is by a stranger using a weapon in a public place and a victim with clear injuries as a result. If a complainant failed to match the 'myth', then she or he must be 'making it up'. Sometimes the police have had to literally pay for their 'culture of disbelief'. In 2012, a woman who made a rape complaint that was not properly investigated was given an out-of-court settlement of £15,000 by the Metropolitan Police (Williams 2012), and in 2014, the victim of an alleged rape whose evidence was 'lost' by Avon and Somerset Police received a £7500 pay-out (Minchin 2014). Hampshire police had made a pay-out of £20,000 to a rape victim they disbelieved (Laville 2015).

The 'culture of disbelief' seemed to be particularly visible when it came to police approaches to child sexual exploitation. This was the name given to the enticing of 'vulnerable' teenage girls into prostitution by young men and was an activity that had been around for many years. It concerned the Victorians and their various 'rescue societies' for girls considered 'wayward and troublesome' (Bartley 2000: chapter 4) and there has been a growing awareness of child prostitution in England since the mid-1990s (see Lenihan and Dean 2000).

Today the term 'child sexual exploitation' (or CSE) is preferred to that of 'child prostitution'; the law has been changed to replace the existing references to 'child prostitution' with the term 'child sexual exploitation' (Serious Crime Act 2015, s.68). Child sexual exploitation has become a major concern to the police and other agencies in the realms of sexual crime over the last decade and not least since many of the perpetrators turned out to be of Asian origin.

The police have been criticised for being slow off the mark to recognise and face up to child-sexual exploitation. The activities of gangs of youths targeting certain girls and impressing them with fast cars and presents were often dismissed as 'normal' teenage behaviour for certain parts of society. Isn't that what young men have always done? According to one report, the

abusers were not much older than the girls and 'the girls were often reluctant to consider that they were being sexually abused' (Torbay SCB 2013). If the victims could not tell if they were being abused, how were the police to distinguish between 'normal' teenage activities and 'grooming'? When the gifts turned to drugs and alcohol and the behaviour became more coercive and violent, police officers did not always follow the changes.

Over the years, guidance has been issued to the police. The Department of Health advised that child prostitution should be to reframe the picture to ensure the children involved were seen as victims in need of child protection:

> The priority for criminal justice must be to investigate and prosecute those who abuse a child (this includes those who sexually abuse a child and those who coerce or are involved in the prostitution of a child) (DoH et al. 2000: para.6.18)

The law was changed to affirm that sexual activity with a child under 13 could be considered as rape and that consent was not an issue (Sexual Offences Act 2003, s.5), and the law on the abuse of children through prostitution was also clarified (Sexual Offences Act 2003, ss.47–51). The Association of Chief Police Officers (ACPO) produced guidance on policing all aspects of prostitution, but although it mentioned children it still said little about 'child sexual exploitation' (ACPO 2004).

The behaviour of the girls today has been seen much as the Victorians had seen them—'wayward and troublesome'. Many of them had been in the care of local authorities because parents could not control them and their general behaviour verged on criminality. It was argued that the police found it easier to deal with the criminality than the exploitation and failed to see it as a symptom of what was happening or even as a 'cry for help' (Phoenix 2012).

Efforts have been made to improve the police approach to CSE and to improve the arrest rates and the protection of the children involved (see e.g. HMG 2009, 2015a; CEOP 2011). But these girls were seemingly of a strata of society not worth bothering about:

> There were numerous occasions in which girls were not believed. They were threatened with wasting police time, they were told they had consented to sex and, on occasion, they were arrested at the scene of a crime, rather than the perpetrators (Casey Report 2015: 47; see also Travis 2014).

A male officer of the Greater Manchester Police was cited as symptomatic of the problem:

> while recounting the abuse she suffered, an officer conducting the police interview let out a loud yawn … the moment, captured on video recordings of her interviews and shown to the court, seemed to sum up how the vulnerable young girl was not taken seriously during the initial investigation ('Yawning cop who seemed to sum up how the grooming gang victims were not taken seriously' *Manchester Evening News* 9 May 2012)

At worst, the police were criticised for their apparent indifference and uncaring attitudes:

> the attitude of the [South Yorkshire] Police at that time seemed to be that they were all 'undesirables' and the young women were not worthy of police protection (Jay Report 2014: para.8.2)

A Change of Direction?

A number of police forces have created their own specialist rape teams that allow officers to focus solely on rape crime. The idea is to develop expertise and improve investigation outcomes. A study in 2012 found specialist rape teams to have been set up in 19 forces constituting nearly half the forces in England and Wales, and with other forces reporting work on planning such a team. No formal definition of a specialist rape team existed, but the authors of the study suggested the following:

> A specialist rape team has dedicated, trained staff working together in an integrated way to provide the highest quality victim care and investigative standards. It investigates rape and other serious sexual offences and may also take investigative oversight of other sexual offences. It should have access to an analyst and also play a role in education and prevention. Close partnership working with the Crown Prosecution Service, Sexual Assault Referral Centres, Independent Sexual Violence Advisors, Rape Crisis and other voluntary sector organisations is vital. The team should have strong leadership and coordination. It is not necessary for the team to be centrally located. (Westmarland et al. 2012: 5)

Officers reported that the benefits of these specialist teams included a more consistent victim care service and a better understanding of what

constitutes 'success'. The police were also able to improve strategic and operational partnerships with other agencies and more people were coming forward to report crimes; the latter was seen as evidence of an improved trust in the police (ibid.: 12–16; see also Jamel et al. 2008).

Strenuous efforts have been put in to counter the police 'culture of disbelief' and some critics are now arguing the pendulum may have swung too far in the opposite direction. The feeling in some quarters is that the police are now almost 'too believing' and willing to believe anything that is said to them by those alleging sexual offences.

A Detective Chief Inspector in Greater Manchester described the change:

> A victim used to ring up and say, 'I've been raped'. Previously, before we made a crime report, we would try and prove or disprove—in some cases, not believing the victim. *Now we always believe the victim in the first instance.* Sometimes, when investigating, we can prove that the victim has lied or misunderstood or whatever. But we start off by believing them. (Pidd 2015 emphasis added)

On a designated 'child sexual exploitation' awareness day (18 March 2015) the NPCC Policing Lead for Child Protection, Chief Constable Simon Bailey publicly stated that:

> When a child finds the courage to tell somebody they are being abused, that person, whoever they may be, must listen, *must believe them* and must take appropriate action. It is unacceptable that any child who confides in someone could be ignored (NPCC 2015a—emphasis added)

On Twitter, the awareness day was full of professionals and practitioners of all descriptions demonstrating their concern about 'child sexual exploitation', including messages written or painted on their hands (#helpinghands). This included a Detective Inspector from Wiltshire Police holding his hands out with the words 'we believe you' painted on them.

The critics have dubbed this approach as coming from the 'I believers' and their note of caution is that the truth can only be determined in court. Uncritical 'believing' could lead to acceptance of lies and, at worse, miscarriages of justice at the expense of traditional safeguards against wrongful prosecution. The preferred approach is that of saying 'we will take your allegations seriously' (Hewson 2013; Gittos 2014). The columnist Peter Hitchen has made the case:

> It is no part of a policeman's job to believe either the accused or the accusers. Imagine how you would feel if the police told alleged burglars awaiting trial, and denying their guilt, that 'you will be believed'. It is their job, and that of the courts, to assemble a case and seek to prove it before an impartial jury. (Hitchen 2015)

The police in turn could point to evidence that more people now have a growing confidence in the police to report sexual crimes. NPCC Lead for Crime Recording and Statistics, Chief Constable Jeff Farrar has pointed out that:

> The substantial rise in reports to police of sexual offences shown in today's survey is testament to the hard work of the police service in recent years to improve our recording of these offences. It also shows that more victims have greater confidence to report these crimes, past and present, to the police in the knowledge that they will be treated sensitively and their complaint will be fully investigated. (NPCC 2015b)

Chief Constable Farrar was speaking with reference to the Crime Survey of England and Wales showing that reporting of sexual offences had increased by 32% in the last year (ONS 2015).

The Commissioner of the Metropolitan Police eventually stated that he thought perhaps the willingness to believe all complainants had gone too far and that a more open mind combined with support for the complainant was needed when first contact had been made for reporting (Hogan-Howe 2016). The Commissioner cited the Angiolini Report that he had called for on the subject, which had queried whether you can instruct a police officer to simply 'believe' (Angiolini Report 2015).

Reports from Other Sources

Reports of alleged sexual offending can come from sources other than the individual complainant. Concerns about children being victims of sex crimes may come from schools, health centres, nurseries, Accident and Emergency Departments, social workers, or other professionals; computer repair technicians may have cause to report images of children they have come across. Local authorities have a duty to enquire into the circumstances of any child who lives, or is found, in their area where there is cause to believe that a child 'is suffering, or is likely to suffer, significant harm' (Children Act 1989, s.47); harm is defined as including 'sexual abuse' (Children Act 1989, s.31 (9)).

Sexual offences against children are the form of sexual offending that the public recoils from more than any other form of sexual offending. The violation of 'innocence' and the belief that while there may be grey areas in defining consent and sexual offending against adults, there is no such ambivalence when the victim is a child, contributes to forms of public outrage; even other prisoners turn on the child sex offender in custody. In the initial stages, the police have to work closely not only with the child but also with other agencies, to try and elicit the required evidence of what has actually taken place. The Children's Commissioner for England has suggested that:

> 1 in 20 children are victims of sexual abuse, and approximately 6.3 % of adults aged 18–69 in England were sexually abused as a child. Most victims of sexual abuse are abused by a family member or someone known to them. (Children's Commissioner 2015: 11)

The term 'paedophile' is often used to describe the perpetrators of child sexual offences. The term is a medical term that is arguably over-used, especially by journalists, and one that is largely absent from UK legislation which prefers the term 'child sex offender'.[1]

Sometimes social workers act jointly with the police to investigate and safeguard children. Sometimes they act alone and later convene a child protection conference that the police are invited to, along with other professionals who may know the child directly or work in that geographic area. The police will input any information including anything they know on the adults caring for the child.

Home Office guidance to the police attending child protection conferences was first published some 40 years ago (Home Office 1976). This advice has been regularly updated in subsequent guidance since then to all agencies who are 'working together' to safeguard children; the 2010 version of the guidance, for example, said police should attend conferences if they are 'involved in investigations' (HMG 2010: para.5.84). The 2013 version was a much slimmed down document and for some reason made only passing references to conferences in a flowchart (HMG 2013: 35).

Some police forces appear to have taken this minimisation of the child protection conference in the guidance as a green light to opt out of child protection conferences. An inspection of the West Yorkshire Police in 2014 reported:

> in Leeds, police attended just 8 of 160 conferences, in Bradford 3 of 66, in Kirklees 13 of 45 and in Wakefield 10 of 59. Although written reports (of varying quality) were often submitted, this is no substitute for the presence of police officers at discussions about those children in West Yorkshire who are most at risk and in need of help and protection. Inspectors found senior officers and operational officers provided a mixed, and often confused, explanation for this poor attendance. For example, some said that national police guidance stated that they did not have to attend. (HMIC 2015a: 11)

The latest version of the guidance again says little about the police attending conferences, but focuses in on the exchange of information as being all important:

> The police can hold important information about children who may be suffering, or likely to suffer, significant harm, as well as those who cause such harm. They should always share this information with other organisations where this is necessary to protect children. (HMG 2015b: chapter 2, para.20)

Since 1991, it has been the police practice to videotape the statements of children who have complained that they have been sexually abused. The original idea was to stop them having to tell their story more than once. The arranging of the video session could be undertaken by any agency, but has come to be nearly always carried out by the police in accordance with Ministry of Justice guidance (MoJ 2011).

The resulting videos were to be kept in conditions of security given the sensitive nature of their content, but this has not always happened. South Wales Police managed to 'lose' one such video of an adult's evidence of sexual abuse as a child. The Information Commissioners Office imposed a £160,000 fine on them (ICO 2015).

Other sources of reports on children and young people in particular might come from the newly formed 'Multi-Agency Safeguarding Hubs' (MASH). These Hubs are a way of police working that involves direct and regular contact with other agencies trying to combat child sexual exploitation (College of Policing 2015). Yet another source might be the Sexual Assault Referral Centres or SARCs. The SARCs were designed not only to create 'safe' areas for complainants to report sexual offences, but also to act as places where evidence could start to be collated.

Sexual Assault Referral Centres

Sexual Assault Referral Centres (SARCs) are staffed by police and other health, social, and voluntary agencies to try and improve the reception and treatment of complainants, and at the same time, to increase the levels of reporting, and improve the gathering of evidence. The idea was to create a more holistic approach that was in a non-institutional setting, where women had time to talk and achieve more control over the process of reporting. The SARC was designed to combine care for the complainant and the trauma they had experienced alongside the police interventions to gather the forensic evidence needed to build a case. Victims of sexual assault could visit a SARC without necessarily involving the police.

The SARC is today seen as the 'gold standard' of provisions for victims of sexual assault and rape to be able to report their experiences and receive appropriate care and attention and:

> It is widely agreed that SARCs provide a safe and secure environment where victims receive the help and the support they need at the same time as evidence from them is being gathered. (CJJI 2012: para.3.8)

The origins of the Sexual Assault Referral Centre has again been tracked back to the BBC TV documentary series 'Police', broadcast in 1982. In Manchester, a joint police-health service centre at St Mary's hospital was created to try and provide a more sympathetic social context for initial reporting interviews. This was to be the prototype of the Sexual Assault Referral Centre (Lovett et al. 2004: 1).

In the North East, a second SARC was opened on two sites in Newcastle and Sunderland in 1991 which provided:

> experienced women doctors able to conduct examinations in a purpose built suite confidential access to experienced counsellors for a number of sessions regardless of whether or not the woman reports an assault to the police and specially trained women police officers who can be called on to conduct an interview and take formal statements. (Gregory and Lees 1999: 163)

SARC evaluation reports were positive (Lovett et al. 2004) and the Home Office and Department of Health jointly produced guidelines on what was required to start a SARC (Home Office/DoH 2005; these guidelines were updated in 2009). By 2008, the number of SARCs had

grown to 19 when the government stated its commitment 'to more than doubling this number' (HMG 2008: 46). An Inspectorate report later stated that 'access to sexual assault referral centre's (SARCs) is either in place or planned in all forces' (CJJI 2012: 5).

The geographic spread of SARCs has not always been an even one. The NHS has provided a website search called 'NHS Choices' to show the availability of local SARCs and their whereabouts. Whilst many big towns and cities have their own SARC, others do not. According to the website, Leeds with a population of 750,000 had no SARC and the nearest was 20 miles away in York. People in Bradford (population 526,000) had to travel 30 miles to Manchester for their nearest SARC. Truro (population 23,000) in Cornwall, on the other hand, did have its own SARC ('NHS Choices' website available at https://www.nhs.uk/Service-Search/Rape-and-sexual-assault-referral-centres/LocationSearch/364 accessed 28 November 2015).

Apart from the disparities and the 'post code' lottery effect of SARC availability, we might also surmise that taking complainants from Leeds to York in the middle of the night cannot be a best use of police time. One initiative that has been somewhat controversial has been the out-sourcing of SARCs to the private sector; the idea that corners might be cut or there was a profit to be made out of helping people who had been subject to sexual assault did not weigh easily with some observers (Travis 2013). NHS England has produced full guidance on what might be expected from a Sexual Assault Referral Centre (NHS England 2013 and 2015).

The Recording of Sexual Offences

When an incident is reported to the police, it is entered into an incident log. The police will then determine if that incident is—on the balance of probabilities—firstly, a 'crime-related incident' and, secondly, that it should then be recorded as a crime on the force's crime recording system. This whole process should take place within 72 h.

What sounds like a simple piece of work has, however, been a fraught activity for the police for many years. Sexual crimes have been recorded badly or not at all, through the practice of 'no-criming', that is, not recording the incident as a crime; the police refer to this process as 'transferring' a case to another force or simple 'cancellation' rather than 'no-criming'. The result has made the overall picture unclear and has been

said to contribute to the low conviction rates for sexual offending that have rankled with both the police and the Crown Prosecution Service.

Kelly and colleagues found a 'no-criming' for sexual crimes rate ranging from 17% to 31% of the rape crimes reported in their study (Kelly et al. 2005). This might include complainants having made the initial report not wanting to go through with the process to other complainants having been persuaded—or pressed—by the police that there was really no crime to report. The second category was of particular concern.

The Home Office Counting Rules (HOCR) originally brought in by the Police Act 1996, s.44, state that an incident can only be 'no-crimed' if it is, for example, outside the jurisdiction of the recording force, has already been recorded, has been recorded in error, or there is verifiable additional information that no crime was committed (Home Office 2015: Section C).

The National Crime Recording Standards (NCRS) were adopted in April 2002 by all police forces to promote greater consistency between forces in the recording of all crime and to take a more victim orientated approach to crime recording. The results were initially said to be promising, producing 'a sustained improvement in crime data quality' (Audit Commission 2007: 2).

No-criming was also said to be a feature of policing that was 'target-led' and helped improve 'clear-up' rates. In the argot of the beat, the figures were 'cuffed, skewed, nodded and stitched'. Evidence of 'no-criming' continued to be found:

> Eighteen percent of forces do not record some serious sexual offences in a timely way. These forces delay the classification of such crimes until the primary investigation is complete, and then decide—sometimes weeks later—what classification to record. This is a clear breach of the HOCR. (HMIC 2012: para.5.16)

Project Sapphire was an initiative introduced by the Metropolitan Police Service in 2000 in order to improve the care of rape and sexual assault victims. Each London Borough had its own dedicated Sapphire team. The Sapphire Project was much lauded and described as 'a flagship' policy (Hanley 2006) as to how policing sexual offending should be carried out.

Criticisms of Sapphire started to be made with the case of John Worboys, the taxi driver convicted of serial rape. It transpired that different Sapphire

Units across London had had knowledge of Worboys' activities for some five years, but had never linked the information up in a way that might have led to an earlier arrest (Fresco 2009).

The recording of sexual crimes by the Sapphire Units also caused concern. The Metropolitan Police Service reported on the matter:

> The guidelines setting out the rules … within the Home Office Counting Rules and the CPS Directors guidance for Crown Prosecutors appear to have been applied inconsistently, which could lead to falsely inflating the overall detection rate. (MPS 2005: para.7.3).

The Southwark Sapphire Unit had much higher numbers of incidents being 'no-crimed' than in the rest of the Sapphire Units across London. The Independent Police Complaints Commission (IPCC) was brought in to investigate and after protracted inquiries found that:

> Southwark Sapphire had implemented its own standard operating procedure over this period to meet these targets … this took the form of encouraging officers and victims to retract allegations (so that no crime was recorded) in cases where it was thought that they might later withdraw or not reach the standard for prosecution (which would have been recorded as an unsolved crime) … This local standard operating procedure, authorised by senior officers, increased the number of incidents that were classified as 'no crime' and therefore increased the sanction-detection rates for the unit. (IPCC 2013: 4)

One former Detective on the Southwark Unit was convicted and jailed for 16 months after admitting failing to investigate a string of cases properly; amongst other things he had falsified records, failed to submit forensic evidence, and falsely told some victims their cases had been dropped (Evans 2012). The Sapphire Command was renamed as the Sexual Offences, Exploitation, and Child Abuse Command.

The events in Southwark prompted an inquiry into police record keeping by the House of Commons Public Affairs Select Committee. The Committee were not happy with their findings:

> A particular troubling aspect of the evidence heard by the Committee related to the mis-recording of sexual offences by means of excessive recourse to 'no-criming' decisions and classifying cases as 'crime-related incidents' (CRI), rather than recorded crimes. (House of Commons 2014: para.32)

> Any instance of deliberate mis-recording of sexual offences is deplorable, but especially so if this has been brought about by means of improperly persuading or pressurising victims into withdrawing or downgrading their report. (ibid. para.40)

Sir Bernard Hogan-Howe, the Metropolitan Police Service Commissioner had given oral evidence to the Committee in January 2014, where he admitted that 'some of the concerns that were expressed—for example about the no-criming of rape—are things that for police, and for others, have been a real issue over many years' (ibid. para.33).

In January 2014, HM Inspectorate of Constabulary on behalf of the Rape Monitoring Group (see below) released a compendium of statistics on recorded rapes in each force in the country over the previous five years. This revealed wide disparities between forces in the no-crime rate for reported rapes and in the rates of recorded rapes per 100,000 adults. The HMIC concluded that:

> Victims of crime are being let down. The police are failing to record a large proportion of the crimes reported to them. Over 800,000 crimes reported to the police have gone unrecorded each year. This represents an under recording of 19 percent. *The problem is greatest for victims of violence against the person and sexual offences,* where the under-recording rates are 33 percent and 26 percent respectively. This failure to record such a significant proportion of reported crime is wholly unacceptable. (HMIC 2014: para.1.6 emphasis added)

The Monitoring of Attrition

The police have made efforts to improve their work on reports of adult rape. One measure taken at the national level has been the establishing of the Rape Monitoring Group (RMG) in 2007, made up of representatives from criminal justice inspectorates, government, the wider criminal justice system, and the police service. The RMG regularly examines the data on rape recorded by the police in order to identify trends in performance to try and improve the response to rape. The RMG aims to make the response to rape victims more professional, spread good practice and increase public confidence in the way the service responds to rape to ensure victims get a better service. HM Inspectorate of Constabulary chair meetings of the RMG and further details can be found on their

website (available at https://www.justiceinspectorates.gov.uk/hmic/about-us/working-with-others/rape-monitoring-group/ accessed 29 November 2015).

In January 2014, the RMG published data on how all 43 police forces in England and Wales had dealt with rapes involving adults and children. The data revealed the amount of 'no-criming' still taking place and the variation between forces (https://www.justiceinspectorates.gov.uk/hmic/publications/rape-monitoring-group-digests-data-and-methodology-2014/ accessed 29 November 2015). Northumbria police were amongst a number of forces with high 'no-criming' figures and were asked by their Police and Crime Commissioner to take another look at their level of work (Northumbria Police 2014).

A new Rape Action Plan for policing was drawn up by the police and CPS in June 2014 still trying to get the police to shift their focus from the complainant to the accused (Bowcott 2014). A high level conference followed with the concept of 'consent' put under the microscope. The Plan was updated again the following April still stating that:

> There is an urgent need to change the discourse on rape. Our police officers, our prosecutors, our courts and our communities must reject the out of date myths and acknowledge the realities of rape. We also need to debate and understand the fundamental issue of consent. (CPS website; available at http://www.cps.gov.uk/publications/equality/vaw/index.html#a03 accessed 29 November 2015)

The College of Policing and the national policing lead have set a requirement on all forces to train all new and existing police staff including call handlers, PCSOs, police officers, detectives, and specialist investigators on how to respond to child sexual abuse. The College of Policing has developed and will keep under review, a comprehensive training programme, to raise the standard of the police response to this crime, including addressing police behaviours and attitudes, support to victims, and the importance of partnership working and information sharing.

The fact that more people were coming forward to report incidents of sexual offending has been cited as evidence of improved police working methods and as an example of wearing down the 'culture of disbelief'. The Rape Monitoring Group reporting figures for 2015 are cited as examples of this improved reporting levels suggesting better policing (HMIC 2015).

Note

1. There is a reference to the term in the Serious Crime Act 2015 s.69.

References

Abdullah-Kahn, N. (2008). *Male rape: The emergence of a social and legal issue*. Hampshire: Palgrave Macmillan.

ACPO (Association of Chief Police Officers). (2004). *Policing prostitution: ACPO's policy, strategy and operational guidelines for dealing with exploitation and abuse through prostitution*. London: ACPO.

Angiolini Report. (2015, April 30). *Report of the independent review into the investigation and prosecution of rape in London*. London: Metropolitan Police Service.

Audit Commission. (2007). *Police data quality 2006/07*. London: Audit Commission.

Badenoch, K. (2015). *Silent suffering: Supporting the male survivors of sexual assault*. London: Greater London Assembly.

Bartley, P. (2000). *Prostitution: Prevention and reform in England 1860–1914*. London: Routledge.

Bowcott O (2014a) Rape Action Plan: investigations must 'focus on accused not complainant', *The Guardian 6* June.

Bowcott O (2014b) Police cautions replaced with punitive sanctions for three English forces *The Guardian* 1 November.

Bowcot O (2014c) Lie detector tests introduced to monitor released sex offenders, *The Guardian* 8 August.

Burgess A, Donovan P and Moore S (2009) Embodying Uncertainty? Understanding heightened risk perception of Drink 'Spiking'. *British Journal of Criminology 49,* 848–862.

Casey Report. (2015). *Report of an inspection of Rotherham Metropolitan Borough Council (HC 1050)*. London: House of Commons.

CEOP (Child Exploitation and On-line Protection Centre). (2011). *Out of mind, out of sight*. London: CEOP.

Children's Commissioner. (2015). *Protecting children from harm: A critical assessment of child sexual abuse in the family network in England and priorities for action*. London: Children's Commissioner.

CJJI (Criminal Justice Joint Inspection). (2012). *Forging the links: Rape investigation and prosecution*. London: HMIC/HMCPSI.

College of Policing. (2015). Responding to child sexual exploitation [Internet]. https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/. Accessed 06 Dec 2015.

DoH (Department of Health) Home Office, Department for Education and Employment, National Assembly for Wales. (2000). *Safeguarding children involved in prostitution: Supplementary guidance to working together to safeguard children*. London: Department of Health.

EOC (Equal Opportunities Commission). (1998). Evidence for Home Affairs Select Committee inquiry into police training and recruitment. London: EOC (appendix 16 HAC).

Evans, M. (2012). Former detective jailed after sabotaging rape cases. *Daily Telegraph*, 29 October.

Fresco, A. (2009). Revealed: Taxi driver rapist John Worboys is Britain's most prolific sex attacker. *The Times Online*, 14 March. http://www.thetimes.co.uk/tto/news/uk/crime/article1875821.ece. Accessed 17 May 2015.

Gittos, L. (2014). The 'I believers': A law unto themselves. *Spiked*, 23 December. http://www.spiked-online.com/newsite/article/the-i-believers-a-law-unto-themselves/16403#.VVsnFZVFAy8. Accessed 19 May 2015.

Gregory, J., & Lees, S. (1999). *Policing sexual assault*. London: Routledge.

Hanley, K. (2006). Law of rape: Lack of conviction? *Law Society Gazette*, 21 July.

Hewson, B. (2013). Believe the victim: A recipe for injustice. *Spiked*, 11 November. http://www.spiked-online.com/newsite/article/believe_the_victim_a_receipt_for_injustice/14272#.VVsoX5VFAy8. Accessed 19 May 2015.

Hitchen, P. (2015). We smugly boast of Magna Carta … while all it stands for is being trampled. *Mail on Sunday*, 22 March.

HMG (HM Government). (2008). *Saving lives. Reducing harm. Protecting the public. An action plan for tackling violence 2008–11*. London: Home Office.

HMG (HM Government). (2009). *Safeguarding children and young people from sexual exploitation: Supplementary guidance to working together to safeguard children*. London: Department for Children, Schools and Families.

HMG (HM Government). (2010). *Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children*. London: Department for Children, Schools and Families.

HMG (HM Government). (2013). *Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children*. London: Crown Publications.

HMG (HM Government). (2015a). *Tackling child sexual exploitation*. London: Cabinet Office.

HMG (HM Government). (2015b). *Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children*. London: Crown Publications.

HMIC (HM Inspectorate of Constabulary). (2012). *The crime scene: A review of police crime and incident reports*. London: HMIC.

HMIC (HM Inspectorate of Constabulary). (2014). *Crime-recording: Making the victim count, the final report of an inspection of crime data integrity in police forces in England and Wales*. London: HMIC.

HMIC (HM Inspectorate of Constabulary). (2015). Rape monitoring group: Digests and data 2014/15. https://www.justiceinspectorates.gov.uk/hmic/publications/rape-monitoring-group-digests-and-data-2014-15/. Accessed 20 Feb 2016.

Hogan-Howe, B. (2016). Sex crime suspects have rights too. *The Guardian*, 11 February.

Home Office. (1929). *Report of the Royal commission on police powers and procedures* (Cmd. 3297). London: HMSO.

Home Office. (1976). *Non-accidental injury to children: The police and case conferences* (circular no. 179/1976). London: HMSO.

Home Office. (1983). *Investigation of offences of rape* (circular no. 25/1983). London: HMSO.

Home Office. (2010). *Assessment of women in policing*. London: HMSO.

Home Office. (2015). Home Office Counting Rules (HOCR) for recorded crime (version 2). https://www.gov.uk/government/publications/counting-rules-for-recorded-crime. Accessed 16 May 2015.

Home Office and Department of Health. (2005). *The national service guidelines for developing sexual assault referral centres*. London: Department of Health.

House of Commons. (2014). *Caught red-handed: Why we can't count on police recorded crime statistics*, Public Administration Select Committee (13th Report of Session 2013–14) HC 760 April. London: HMSO.

ICO (Information Commissioners Office). (2015). Welsh police force fined for sexual abuse case data breach (press release), 18 May.

IPCC (Independent Police Complaints Commission). (2013). Southwark Sapphire Unit's local practices for the reporting and investigation of sexual offences, July 2008–September 2009. London: IPCC.

Jamel, J., Bull, R., & Sheridan, L. (2008). An investigation of the specialist police service provided to male rape survivors. *International Journal of Police Science & Management*, *10*(4), 486–508.

Jay Report. (2014). *Independent inquiry into child sexual exploitation in Rotherham 1997–2013*. Rotherham: Rotherham MBC.

Kelly, L., Lovett, J., & Regan, L. (2005). *A gap or a chasm? Attrition in reported rape cases* (Home Office Research Study, Vol. 293). London: Home Office Research, Development and Statistics Directorate.

Laville, S. (2015). Rape victim falsely accused of lying by police wins £20,000 payout. *The Guardian*, 22 May.

Lenihan, T., & Dean, P. (2000). Child prostitution in England. In D. Barrett (Ed.), *Youth prostitution in the New Europe*. Lyme Regis: Russell House Publishing.

Lovett, J., Regan, L., & Kelly, L. (2004). *Sexual Assault Referral Centre's: Developing good practice and maximising potentials* (Home Office Research Study, Vol. 285). London: Home Office.

McLaughlin, E. (2007). *The new policing*. London: Sage.
McMillan, L. (2015). The role of the specially trained officer in rape and sexual offences cases. *Policing and Society*, *25*(6), 622–640.
Minchin, R. (2014). Police compensation pay-out after force loses rape evidence. *Western Morning News*, 26 March.
MoJ (Ministry of Justice). (2011). *Achieving best evidence in criminal proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures*. London: MoJ.
MPS (Metropolitan Police Service). (2005). *A review of rape investigations in the MPS*, Deputy Commissioner's Command, Directorate of Strategic Development and Territorial Policing, Project Sapphire, London.
NHS England. (2013). *Securing excellence in commissioning sexual assault services for people who experience sexual violence*. Leeds: NHS England.
NHS England. (2015, August 10). *Commissioning forensic work for adult and paediatric Sexual Assault Referral Centre (SARC) services*. Leeds: NHS England.
Northumbria Police. (2014). Force to investigate 'no criming' of rape reports (press release), 19 August. http://www.northumbria.police.uk/releasedetails.asp?id=97908. Accessed 29 Nov 2015.
NPCC (National Police Chief's Council). (2015a). We must believe them (press release), 18 March. London: NPCC.
NPCC (National Police Chief's Council). (2015b). Survey shows that more victims of sexual offences have confidence to report to police (press release) 23 April, London
ONS. (2015). Crime in England and Wales, year ending December 2014, 23 April. http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-december-2014/index.html. Accessed 19 May 2015.
Phoenix, J. (2012). *Out of place: The policing and criminalisation of sexually exploited girls and young women*. London: The Howard League for Penal Reform.
Pidd, H. (2015). Behind the scenes with a police rape team: 'We start by believing the victim'. *The Guardian*, 15 May.
Temkin, J. (2002). *Rape and the legal process* (2nd ed.). Oxford: Oxford University Press.
Torbay SCB (Safeguarding Children Board). (2013, February 11). *Serious case review: Executive summary case 26* . Torquay: Torbay Council.
Travis, A. (2013). G4S contract to run sexual assault referral centres damned. *The Guardian*, 24 May.
Travis, A. (2014). Police 'culture of disbelief' over rape claims alarms official monitoring group. *The Guardian*, 31 January.
Westmarland, N., Aznareez, M., Brown, P., & Kirkham, L. (2012). *The benefits of police specialist rape teams*. London: ACPO.
Williams, R. (2012). Metropolitan Police pays out over flawed rape investigation. *The Guardian*, 13 December.

CHAPTER 3

The Police Investigation of Reports

Abstract A sexual offence, once recorded as an offence, requires investigation. This has long been the traditional role of the police and involves interviewing the complainant and the suspect as well as the collation of other evidence, held by the police in intelligence files, forensic evidence including DNA, fingerprints, and photographs. As this process continues, the police have other roles such as taking Victim Personal Statements, considering the need for 'special measures' in court, the immediate release of information to employers, and the administration of police cautions. The police also have decisions to make regarding 'pre-charge bail' and the release of information to the press.

Keywords Investigation of sexual offences • Special measures • Police cautions • Pre-charge bail

The general problems that the local police have in investigating reports of sexual offences are well documented. These include the lack of witnesses, the 'one person's word against another's', the gathering of forensic evidence, and the time lapse between the behaviour and reporting. The police gathering of similar factual evidence from numerous victims of the same perpetrator and of having to operate with reduced resources in an age of austerity have all been cited.

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Interviewing the Suspect

Much has been written on police interviews of suspects and their right to have a solicitor with them during the interview. The right to remain silent and the inferences that may later be drawn in court from silences and the right to make a confession in the form of a statement (see e.g. Easton 2014) are available to suspects. To that extent, the suspect is a potential source of evidence and old time detectives would speak of their ability to make the suspect 'cough'.

Polygraphs

An interesting innovation open to the police conducting interviews with people suspected of sexual offending is that of the polygraph, sometimes known as the lie-detector. Long used in the USA but resisted in the UK, the necessary law allowing use of this equipment had been passed in the Offender Management Act 2007. The police would only be able to use polygraphs on a voluntary basis with people who consent to its use. Trials started in 2011 (Batty 2011) and training for the police was organised (BBC News 2013); the polygraph became available to the police from January 2014:

> Two police forces are set to introduce voluntary testing for people arrested for allegedly downloading child abuse images to examine the potential danger they pose and to identify other victims. (Peachey 2014)

The two forces in question were Hertfordshire and South Yorkshire. The Police and Crime Commissioner for South Yorkshire clearly saw them being used as part of an investigation:

> Suspects arrested for indecent child image offences are currently released on bail, whilst thorough investigative technical work is carried out. By assessing the risk factor of the offender, [the polygraph] will help police prioritise the criminal investigations and determine if the individual is a further risk to the community. (South Yorkshire PCC 2013)

Other police forces seem to have been more hesitant; then in May 2014, the Association of Chief Police Officers (ACPO) made a categorical statement that the polygraph was *not*, in their view, suitable for investigations after all:

> The polygraph should not be used in criminal investigations in England and Wales because it could have adverse consequences for the investigative interview, the wider investigation and the trial process. (ACPO 2014: 1)

It now looks as though the police will only be using the polygraph as part of their 'managerial' role with registered sex offenders rather than in initial investigations (see Chap. 6).

Other Sources of Evidence

Straight interviewing of a suspect will require corroborative forensic evidence. Forensic Evidence will consist of any DNA samples available, fingerprints, or medical evidence gathered by Forensic Examiners. DNA samples are stored nationally for the police (see Chap. 4) and fingerprints are stored nationally in digital form on the IDENT 1 system. Police use fingerprints for two core functions:

1. Verification of the identity of arrestees through comparison of their fingerprints against the central reference collection; and
2. Identification of suspects through comparison of fingerprint marks recovered from a crime scene against the central reference collection.

Other sources of evidence for the investigation may come from the Force Intelligence Bureau and consist of any other information already held on the suspect. Nationally, intelligence may be held on the Police National Database or ViSOR (see Chap. 4). The national criminal records collection held on the Police National Computer may also provide evidence (see Chap. 7).

In the case of child sexual abuse, the police may obtain more information about a child and their family from the local authority Children's Services. If this was not happening already on an informal basis, a protocol was agreed upon at the national level in October 2013 that local authorities should assist the police:

> Upon receipt of the form at Annex C from the police, the Local Authority … will identify and collate relevant material from the Children's Services or other files as appropriate … for the police to assist the criminal investigation. (Senior Presiding Judge for England and Wales and President of the Family Division 2013: para.10.1)

Photographs

The legal storage of custody pictures taken by the police is somewhat of a grey area. The High Court ruled in 2012 that the police's 'existing policy concerning the retention of custody photographs … was "unlawful"'. The police were given 'a reasonable further period' of time within which to revise the existing policy; the Courts clarified that a 'reasonable further period' was to be 'measured in months, not years' (*R (RMC and FJ) v Metropolitan Police Service [2012] EWHC 1681* at para58)

Over three years later, no revised policy has ever been published. But in the absence of an appropriate governance framework, the police have persisted in uploading custody photographs to the Police National Database, to which, facial recognition software has been applied. This practice came to light in the Annual Report of the Biometrics Commissioner 2014. The Commissioner was informed in April 2014 that 12 million custody photographs had been uploaded to the PND and an automated searching system had been implemented without any formal form of governance (Office of the Biometrics Commissioner 2014: 103–107).

The Home Office position is that 'this is a complex issue' and they 'are currently reviewing the framework through which the police use custody images, and expect to be able to report in the spring' (Home Office 2015b)

Data taken from tens of millions of child abuse photos and videos are used as part of a new police system to aid investigations into suspected paedophiles across the UK. The Child Abuse Image Database or CAID service will improve the ability of authorised officers in the National Crime Agency and police forces to identify and safeguard victims. Having access to a CAID will also enable greater collaboration between local, national, and international crime units, such as INTERPOL, so that forces can work together on investigations (BBC News 2014).

Other Police Tasks

The police have a number of other jobs to do in connection with suspect and alleged victim. These have all been listed in the Code of Practice for Victims of Crime (MoJ 2015a: 40–44); many of these are concerned to keep the victim informed of what is happening and would fall to the STO (see above). The following discusses only some of them.

Special Measures Information from the Police

The police also have the role of identifying whether 'special measures' are going to be needed for the complainant in court when they appear as a witness. 'Special measures' are for children and vulnerable or intimidated witnesses and are attempts to make giving evidence in court easier for them; they are particularly important in cases of sexual offending. They include such measures as live television links, screens to protect a witness from seeing the defendant, pre-recorded testimony and, most recently, pre-recorded cross examinations (Youth Justice and Criminal Evidence Act 1999, ss. 22–30, as amended).

This identification should take place during interviews and as early as possible. The police should provide information to the CPS about the ability of the witness to give evidence, the basis upon which the witness is eligible for one or more of the special measures, and which of the special measures will be required to assist the particular witness, and how the court is to be satisfied of the matters that it must consider under sections 19(2) and 19(3) of the 1999 Youth Justice and Criminal Evidence Act (for full details see (CPS Legal Guidance 'Special Measures'—available at http://www.cps.gov.uk/legal/s_to_u/special_measures/#content accessed 18 May 2015)

The police officer is expected to complete a so-called MG2 form and engage in 'early special measures discussions' with the CPS. The CPS makes the final decision to apply to the court for the 'special measures'. There is evidence that these early discussions do not take place as often and as smoothly as they should (Charles 2012: 28–29) and a recommendation has been made that this is an area of work that needs improving:

> Recommendation 2: The CPS should undertake work with the police to assure the quality and to improve the timely supply of form MG2s for cases involving vulnerable or intimidated victims and witnesses. (ibid.: 51)

Victim Personal Statements

The police officer should also provide the prosecutor with copies of any Victim Personal Statements (VPS) made by the victim. The VPS gives victims an opportunity to describe the wider effects of the crime upon them, express their concerns, and indicate whether or not they require any support (see MoJ 2015a: 42–3).

Victims are entitled to say whether they would like to read their VPS aloud in court or whether they would like it read aloud or played (if recorded) for them. The VPS and information about the victim's preference should be relayed to the court at the first hearing by the CPS advocate.

Common Law Police Disclosure

The police have also been given the job of identifying people suspected of sexual offending who are employed in professions or occupations that carry particular elements of responsibility or trust. Having established that they are so employed, the police will notify their employers or professional bodies at the point of arrest or charge and not wait for a conviction in the courts. A man arrested for suspected sexual crimes against children who is a teacher, for example, could expect his employers to know about it at the point of arrest.

Home Office advice to the police on the occupations that should be so notified was issued in 1986 (Home Office 1986: Schedule 2) and updated in 2006. The updated circular refers to these notifications as being part of the Notifiable Occupations Scheme (NOS) and emphasises that:

> Even in cases still under investigation, if the individual is considered to pose a risk to the vulnerable it would be inappropriate to delay notifying the regulatory body or employer until the person has been dealt with through the criminal justice system. (Home Office 2006a: para.20)

The circular listed all the occupations and professions that could expect this service from the police.

In December 2010, the Home Office began a review of the Notifiable Occupations Scheme in the wake of the legal judgement *R (L) v Commissioner of Police of the Metropolis [2009] UKSC 3*. The result was that the 2006 Circular was formally withdrawn on 25th March 2015 and replaced by a new procedure to be known as Common Law Police Disclosure (CLPD). CLPD focuses on disclosure of information where there is a public protection risk and does not have a predetermined set of occupations, regulatory bodies, and licensing authorities.

Operational use of the scheme follows the existing statutory guidance as reflected in the DBS Quality Assurance Framework relating to local police information disclosed on criminal record certificates. Guidance

for the CLPD scheme was to be issued to all Chief Officers through the National Policing Chief Constables' Council; separate guidance went to employers and regulatory bodies (Home Office 2015c).

The DBS discloses criminality information at fixed moments in time, the CLPD scheme can respond rapidly to new information indicating possible harm to children or vulnerable adults and enables immediate action to be taken to mitigate any risk.

Police Cautions

At the end of an investigation, one police option has been for them to issue a formal caution as an alternative to a prosecution and the necessity of going to court. The police caution has been an administrative device for the police to deal with the less serious offender who was, perhaps, a first-time offender and unlikely to reoffend (MoJ 2015b: para.5). The caution has been a formal affair delivered by a senior police officer and could be brought up and cited in court as antecedents if there was later reoffending.

It has always been the practice that police cautions should be used sparingly for sexual offences:

> Cautions have been given for crimes as serious as attempted murder and rape: this undermines the credibility of this disposal. Cautions should never be used for the most serious indictable-only offences such as these. (Home Office 1994: para.5).

This has not stopped sexual offenders in the past being the subject of police cautioning ('Police forces allow rapists to go free with a caution', *The Sunday Times*, 18 February 1996), and when the sex offender register was introduced in 1997, there was an acceptance that cautions would be given for sexual offences and these cautions would still lead to registration (Sexual Offences Act 2003, s.80 (1) (d)).

Cautions were sometimes used on juveniles and this had led to problems when the police had not made it clear that a caution still led to inclusion on the sex offender register. Two boys argued their case in the High Court which quashed the cautions (or Final Warnings as they were now termed for juveniles) and ordered their names be removed from the register (Alleyne 2002); the police appealed against this ruling and it was later reversed (*R v. Durham Constabulary and another (Appellants) ex parte R (FC) (Respondent) (Criminal Appeal from Her Majesty's High*

Court of Justice) Regina v. Durham Constabulary (Appellants) and another ex parte R (FC) (Respondent) (Criminal Appeal from Her Majesty's High Court of Justice) (Conjoined Appeals) House of Lords [2005] UKHL 21). The Home Office issued guidance and emphasised the importance of ensuring all parties knew about the registration requirements at the time of the Final Warning (Home Office 2006b: para. 4.2).

The Criminal Justice Act 2003 effectively divided police cautions into two forms—the Simple Caution and the Conditional Caution. The former being a continuation of the old cautions we were familiar with, and the Conditional Caution being the innovation with conditions attached to help modify future behaviour or make reparation to an individual or the community. Failure to complete the Conditional Caution could lead to arrest and prosecution for the original offence.

In the light of continuing concerns about police cautioning (see e.g. Johnson 2013), the government commissioned a review of the way the police were going about cautioning and this was followed by more guidance to the police that Simple Cautions should not be used for sexual offences unless there were special circumstances (MoJ 2013: para.17 and 23).

The House of Commons Home Affairs Committee made their own enquiry and were told by Chief Constable Lynne Owens, the Police National Lead on Out of Court Disposals, that only 2% of sexual offences were dealt with by a caution. An example was given of how they were used on juveniles:

> of a 16-year-old boy in a sexual relationship with a 15-year-old girl, who was reported to the police, but where neither the victim, nor the offender, nor any of their parents, was willing to support a prosecution to court … that offence is recorded as rape, because no consent can be given when the victim is under the age of consent, but in those circumstances it would be hard to argue that that case should have resulted in prosecution. (House of Commons 2015a: para.9)

This caution would still have left the 16-year-old boy on the sex offender register.

The Criminal Justice and Courts Act 2015, s. 17, introduced restrictions on the use of police cautions and not least if they were being used on serious offences including sexual offences that might otherwise go to the Crown Court. They may still be issued in 'exceptional circumstances'. The sexual offences in question were listed in an accompanying Ministry of Justice guidance to the police (MoJ 2015b: Annex B).

Having introduced these restrictions, the government decided, a year later, that they would do away with all police cautioning. A new two-tier system would be devised based on (a) a form of statutory community resolution—aimed at first-time offenders, this would be used to resolve minor offences through an agreement with the offender and (b) a suspended prosecution—designed to tackle more serious offending; this would allow the police to attach one or more conditions to the disposal. Trials were to be held in three police force areas before any permanent changes were introduced (MoJ 2014; Bowcott 2014).

Pre-charge Bail

The police may release an arrested person subject to continuing investigations on what is informally called 'police bail' and more formally known as 'pre-charge bail'. This form of bail may contain conditions of reporting to the police station or staying away from certain addresses (Bail Act 1976, s. 3, as amended; Police and Criminal Evidence Act 1984, s. 47, as amended). In the case of sexual offending, the police have been advised to consult the complainant:

> In the large majority of cases, the suspect and the victim are known to each other in some way. It is essential, therefore, that every effort is made to consult with victims prior to a bail decision being made and that bail conditions are designed to protect the victim, witnesses and members of the public. (HMCPSI/HMIC 2007: para.6.32.)

Following the arrests of some celebrities for alleged 'historical'—or as some prefer 'non-recent'—sex offences, concern was expressed about the length of time they could be held on police bail while the investigation continued. The police have had a free hand to extend this bail for as long as they felt they needed to and this appeared unfair when months or even years later, the police eventually dropped the case. In their defence, the police argued that 'historical' sexual abuse enquiries were particularly onerous and time-consuming as were the forensic examinations needed in cases of indecent images of children stored on computers.

Home Secretary, Theresa May, said she was looking at imposing time limits on police bail:

> Her promise to introduce statutory time limits follows several high-profile cases such as those of the comedian Jim Davidson and the broadcaster Paul Gambaccini, who both faced up to a year on bail in connection with alleged historical sex offences before being told no further action would be taken. (Travis 2014)

The Home Secretary had already asked the national College of Policing to look into aspects of good practice and now opened a consultation exercise of her own on how time limits could best be imposed. Historic cases of sexual abuse were cited in the consultation paper as examples of 'extenuating circumstances', where extension might be needed (Home Office 2014: 20).

Three hundred responses were made to the consultation exercise and the government expressed its preference for introducing statutory limits for pre-charge bail durations and a more focussed police investigation leading to speedier justice for the victim and the accused. A number of respondents raised their concerns that this could lead to work on sexual offending cases being left incomplete and that this would only add to the attrition rates (Home Office 2015d).

The Government's proposals included legislation to provide for a presumption to release without bail, with bail only being imposed when it is both 'necessary' (e.g. where there is a need for conditions) and 'proportionate', and to set a clear expectation that pre-charge bail should not last longer than a specified finite period of 28 days. Extenuating circumstances might result in bail being extended further (ibid.: 5); the most common response on what constituted 'extenuating circumstances' was that this meant sexual offences, including child sex offences (ibid.: 37).

Informing the Press

An allied problem with 'pre-charge bail' was that of the police giving people's names to the press. The naming of suspects on police bail—or even in police custody—has been a matter of some controversy. On the one hand, a person's reputation—especially in sexual offending cases—may be damaged even if no charge is ever laid, on the other hand, 'open justice' might imply that we should all know who is being held by the police. The MP, Mark Pritchard, called for new legislation after his arrest for rape became public even though he was not prosecuted (Halliday and Mason 2015).

Guidance to the police is that people on bail or in police custody should not normally be named publicly unless there is a clear police purpose to do so; a clear police purpose includes a 'threat to life', the 'prevention or detection of crime', or a 'matter of public interest and confidence' (College of Policing 2013: paras.3.5.1-2). There is currently no statutory law covering this area.

Paul Gambaccini's name was made public whilst on police bail and he later told the Home Affairs Committee that in this respect he felt he had been used by the police:

> [Gambaccini] said he was a victim of a 'fly paper' investigation, whereby a suspect's name is hung up in public to see if it attracts further complainants. (House of Commons 2015b: para.12; see also Gambaccini 2015)

The police would argue that this was a legitimate tactic to assist the detection of sexual crime by encouraging other people with similar allegations against the named person to come forward; it could establish a pattern of behaviour that was not otherwise visible.

References

ACPO (Association of Chief Police Officers). (2014). *National policing position statement: The use of the polygraph in investigations*. London: ACPO.

Alleyne, R. (2002). Boys. 15, win fight to get names off sex offender list. *Daily Telegraph*, 30 November, London.

Batty, D. (2011). Police trial lie-detector tests on suspected sex offenders. *The Guardian*, 31 December.

BBC News. (2013). South Yorkshire Police to spend 35K on Texas lie-detector training. *BBC News*, 20 November. http://www.bbc.co.uk/news/uk-england-south-yorkshire-25013497. Accessed 24 May 2015.

BBC News. (2014). Child abuse database containing millions of images to launch. *BBC News*, 2 December. http://www.bbc.co.uk/news/technology-30175102. Accessed 3 Dec 2015.

Bowcott, O. (2014). Police cautions replaced with punitive sanctions for three English forces. *The Guardian*, 1 November.

Charles, C. (2012). *Special measures for vulnerable and intimidated witnesses: Research exploring the decisions and actions taken by prosecutors in a sample of CPS case files*. London: Research Team Strategy and Policy Directorate, Crown Prosecution Service.

College of Policing. (2013). Possible justice outcomes following investigation [Internet]. https://www.app.college.police.uk/app-content/prosecution-and-case-management/justice-outcomes/. Accessed 19 May 2015.

Easton, S. (2014). *Silence and confessions: The suspect as the source of evidence*. London: Palgrave Macmillan.

Gambaccini, P. (2015). *Love, Paul Gambaccini: My year under the Yewtree*. London: Biteback Publishing.

Halliday, J., & Mason, R. (2015). Pritchard calls for rape anonymity laws to be reviewed after case dropped. *The Guardian*, 6 January.

HMCPSI (HM Crown Prosecution Service Inspectorate)/HMIC (HM Inspectorate of Constabulary). (2007). *Without consent: A report on the joint review of the investigation and prosecution of rape offences*. London: Her Majesty's Inspectorate of Constabulary.

Home Office. (1986). *Police reports of convictions and related information* (circular no. 54/1986) London: HMSO.

Home Office. (1994). *The cautioning of offenders* (circular 18/1994). London: HMSO.

Home Office. (2006a). *The Notifiable Occupations Scheme: Revised guidance for police forces* (circular 6/2006). London: HMSO.

Home Office. (2006b). *The final warning scheme* (circular 14/2006). London: HMSO.

Home Office. (2014). Police National Computer (PNC)—version 5.0. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275136/PNC.pdf. Accessed 19 Nov 2015.

Home Office. (2015b). Review of the retention and use of biometric material provided by the Protection of Freedoms Act 2012. Home Office response to biometrics commissioner annual report. https://www.gov.uk/government/news/publication-of-the-governments-response-to-the-biometrics-commissioners-first-annual-report. Accessed 27 Sept 2015.

Home Office. (2015c). *Common law police disclosure: Guidance for employers and regulatory bodies*. London: Home Office.

Home Office. (2015d). *Pre-charge bail: Summary of consultation responses and proposals for legislation*. London: Home Office.

House of Commons. (2015a, March 3). *Out of court disposals*, Home Affairs Committee (14th Report of session 2014–15) HC 799. London: HMSO.

House of Commons. (2015b, March 17). *Police bail*, Home Affairs Committee (17th report of session 2014–15) HC 962. London: HMSO.

Johnson, W. (2013). Use of police cautions has 'got out of hand', magistrates warn. *Daily Telegraph*, 27 January.

MoJ (Ministry of Justice). (2013). *Simple cautions for adult offenders*. London: MoJ.

MoJ (Ministry of Justice). (2014). Putting an end to 'soft option' cautions (press release), 1 November.
MoJ (Ministry of Justice). (2015a). *Code of practice for victims of crime*. London: MoJ.
MoJ (Ministry of Justice). (2015b). *Simple cautions for adult offenders*. London: MoJ.
Office of the Biometrics Commissioner. (2014). *Annual report 2014*. London: Office of the Biometrics Commissioner.
Peachey, P. (2014). No privatised lie detector tests for sex offenders following outsourcing scandals involving G4S and Serco. *The Independent*, 5 January.
Senior Presiding Judge for England and Wales and President of the Family Division. (2013). *Protocol and good practice model: Disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings*. London. http://www.cps.gov.uk/publications/docs/third_party_protocol_2013.pdf. Accessed 3 Dec 2015.
South Yorkshire PCC (Police and Crime Commissioner). (2013). Lie-detectors to be used in monitoring sex offenders (press release), 20 November.
Travis, A. (2014). Theresa May to announce a statutory time limit to police bail. *The Guardian*, 15 October.

CHAPTER 4

Police Investigation of Reports: The National Level

Abstract The British police have always prided themselves on being 'localised' and accountable to local communities. National policing initiatives have taken place, but these have increased in recent years with such projects as the National Criminal Intelligence Service (NCIS), the Serious Organised Crime Agency (SOCA), and the National Crime Agency (NCA); the latter incorporating the Child Exploitation and Online Protection Command (CEOP). The National Forensic Framework is also considered here, including the National DNA Database.

Keywords National Crime Agency • CEOP • Crime analysis • DNA

Introduction

The British have always prided themselves on their local policing arrangements, accountable to local communities. In the early days of policing, the Victorians contrasted this localised Anglo-Saxon arrangement with the centralised systems of policing introduced by Napoleon in France and other countries with their connotations of government control and spying on the populace. In the nineteenth century, there were said to be over 200 small forces in the UK, each overseen by local Watch Committees.

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The number of police forces slowly reduced over the years with the tipping point being 1974, when amalgamations and reorganisation brought their numbers down to 43 for England and Wales, eight in Scotland and one in Northern Ireland. These new forces were said to be more economic and efficient. Further attempts were made in 2005 to amalgamate and reduce the number of forces down to 18 to make them even more efficient and better able to take on terrorism and international crime, but these endeavours were ultimately unsuccessful and not least because of police resistance (HMIC 2005; Tempest 2006); the eight Scottish forces were amalgamated into one force in 2013.

Despite this general acceptance of localised arrangements as the bedrock of British policing, there have always been national policing projects and these have increased in recent years. Police forces have always assisted each other under the doctrine of 'mutual aid'. The Metropolitan Police in London have often taken the lead in these national initiatives with its HQ at Scotland Yard seen as the exemplar of good policing. In the 1950s—and earlier—if a small local force was struggling, Scotland Yard detectives were 'always available to undertake the more important and difficult inquiries … in the provinces', with their arrival usually heralded with the iconic local headline—'Scotland Yard Called In' (Scott 1954: 110). Relationships on the ground between local forces and Scotland Yard could sometimes be a bit fraught in these cases (ibid.).

The National Reporting Centre (NRC) of the police was formed in 1972 to coordinate large scale 'mutual aid' exercises, as and when required—now called the National Police Co-ordination Centre. The Police National Computer (PNC) has been in operation since 1974 from its HQ in Hendon, North London, to keep all police forces connected to each other and with various national databases now held on it; the Police National Database (PND) started in May 2010. The Association of Chief Police Officers (ACPO) has traditionally taken the lead on these national projects; ACPO became the National Police Chiefs' Council (NPCC) on 1st April 2015.

National Initiatives

Other formalised national policing structures on the grand scale emerged in 1992, with the creation of the National Criminal Intelligence Service (NCIS) of the police and, in 1998, the amalgamation of six Regional Crime Squads to form the first National Crime Squad.

National Criminal Intelligence Service

NCIS was briefed to collate and disseminate information and intelligence on serious organised criminal activity and was soon dubbed by the press as the UK's FBI. The idea was to produce intelligence 'packages' for the local police to act upon. From the outset, NCIS had a Paedophile Section which was inherited from a Metropolitan Police database (Culf 1990). In practice, the communications between NCIS and local offices were not always as smooth as they might have been, leading some local force officers to declare the NCIS Paedophile Section 'a waste of time' (Hughes et al. 1996: 31). The Section was later renamed as the Serious Sexual Offences Unit and, by 1997, it was said to be storing 25,000 items of information relating to child sex offenders (*Hansard HC Debates 25 February 1997 col. 132 WA*).

At the same time, an Inspectorate report on the work of NCIS pointed out a particular problem with its work with sex offenders. Whilst no one doubted that these crimes were serious, it was equally clear that not much of it fell within the NCIS terms of reference that said it should be dealing with 'serious organised' crime. Most sexual crime was crime committed by individuals acting alone (HMIC 1997: 20).

One area of work on the increase was that of the production and dissemination of child pornography or indecent images of child sexual abuse. Whereas rape, child sexual abuse, and child sexual exploitation may all be classified as 'contact offences', involving as they do direct contact between offender and victim, other sexual offences have been classified as 'non-contact offences', which in particular includes that of producing, possessing, and disseminating indecent [the offences make reference to 'indecent' images] images of child sexual abuse. This form of child pornography as a sexual offence has arguably increased considerably with the advent of the internet from 1996 onwards.

The police have had to play catch up with those who abuse children in this 'non-contact' way and improve their skills in using—and understanding—digital technology. The estimated numbers of users are high and some police spokespersons think that many of them need psychiatric help rather than police interventions (Barrett 2014).

The NCIS work in this area was allowed to continue after the 1997 Inspectorate report, but when another national reorganisation took NCIS and the National Crime Squad into the newly created Serious Organised Crime Agency (SOCA), the Serious Sexual Offences Unit was separated

to form the new national Child Exploitation and Online Protection Command (CEOP) launched in April 2006. Henceforward, CEOP was described as an 'affiliate' of SOCA.

Looking back, the Home Office would later say:

> In 2006 the Government recognised that the protection of children required a multi-organisational approach with local, national and international cross-sector co-operation in order to limit offender opportunities and protect the community, in particular children and young people. As a consequence, the Government created CEOP … (Home Office 2010: 8)

National Crime Squad

The NCS was Britain's first national police force, with 1500 officers based in London and three regional operating bases, whose job was to tackle organised crime at every level. Some saw it as an uneasy compromise for those who had wanted to reduce the number of forces down from 43:

> What most senior officers wanted was the merger of Britain's 43 police forces into nine or 12 large regional units that would have a more strategic overview and be better funded, less localised and better able to cope with the complexities of fighting organised crime. (Laville 2009)

Mainly concerned with organised drug running and money laundering, the National Crime Squad did have a Paedophilia Unit.

Child Exploitation and Online Protection Command (CEOP)

CEOP announced its arrival with a statement of five key objectives:

- To identify, locate, and protect, children and young people from sexual exploitation and online abuse—both in the UK and globally;
- To engage and empower children, young people, parents, and the community through information and education;
- To protect children and young people through the provision of specialist information and support to professionals, families, industry, and the community;

- To enforce the law by bringing offenders to justice and acting to disrupt and deter future offending; and
- To enhance existing responses to the sexual exploitation and online abuse of children and young people by developing a safer by design online environment and refining the management of offenders (CEOP n.d.: 5)

The officer in charge was Jim Gamble, appointed from a police career in intelligence and anti-terrorism in Northern Ireland. Gamble was a pro-active leader who recognised child sexual abuse as 'one of the most horrific crimes' that we ignore 'at our peril' and intended to:

> take a very measured intelligence driven approach that tracks the perpetrators, supports the victims and minimises the risk to the wider majority. The creation of the Child Exploitation and Online Protection Command (CEOP) encapsulates that approach. We are saying enough is enough… (ibid.: 4)

CEOP made a point of forming partnerships with the voluntary sector and with schools to raise awareness and understanding of the problems facing children. Internet sexual content was a primary concern and CEOP had its own 'safety key' that children could press for advice with a message that read:

> We help children stay safe online. Has someone acted inappropriately towards you online, or to a child or young person you know? It may be sexual chat, being asked to do something that makes you feel uncomfortable or someone being insistent on meeting up. You can report it to us below. (available at https://www.ceop.police.uk/safety-centre/—accessed 27 October 2015)

In 2006, CEOP started its practice of publishing the photographs of people on their website that it wanted to talk to because of their non-compliance with the sex offender register. This was done in co-operation between the CEOP Tracker Team and with the local forces, where the offender was supposed to be notifying his or her whereabouts (Johnston 2006). Only child sex offenders were selected for this publicity and presumably other aggravating factors were taken into account. An average of 300 people were estimated to be non-compliers with the register at any one time, but only 25 had had their photographs on the CEOP website by 2011 (CEOP 2011).

After four years of operations, CEOP claimed significant results:

- 278 children safeguarded or protected from sexual abuse, either directly or indirectly, as the result of CEOP activity
- 417 suspected child sexual offenders have been arrested … as a result of intelligence reports from CEOP and/or through the deployment of CEOP resources
- 96 high-risk child sexual offender networks disrupted or dismantled as a result of CEOP activity (CEOP 2010: 11)

The details of how exactly 278 children had been 'safeguarded' or what was meant by 'safeguarded' in this context was rather blurred over. Similarly, how many of the 417 suspects arrested were ever convicted in court was also left as an open question.

Another CEOP initiative has been the creation of the International Child Protection Certificate (ICPC); this was done jointly, in 2012, with the ACPO Criminal Records Office (ACRO) (see Chap. 5). The Certificate can be applied for by a UK national looking for work with children overseas, and is issued once checks have been made against police information and intelligence databases. It aims to provide a reassurance that staff employed overseas in schools and voluntary organisations do not have a UK criminal record that makes them unsuitable to work with children (NCA 2012).

The Home Office was generally pleased with CEOPs progress and announced its intention to give it yet more independence by making it a Non Departmental Public Body (NDPB):

> The 'arm's length' distance from Ministers that NDPB status conveys meets CEOP's need to remain firmly within the law enforcement family and thus demonstrably independent. (Home Office 2010: 16)

Just seven months later, however, a general election, a change of government, and the onset of the age of austerity resulted in a different direction being taken. The new coalition government announced in July 2010 that rather than more independence for CEOP, they would rather see them as part of a new National Crime Agency (NCA) (Home Office 2010d para.4.32).

Jim Gamble argued that the CEOP work with children would be diluted and 'lost' amongst all the other work of the NCA if it was integrated, but

the Home Secretary was unmoved. Gamble eventually resigned in protest telling a House of Commons select committee that:

> I have resigned because I'm concerned about the direction of travel that CEOP is moving in … The National Crime Agency is not right for CEOP. It's not right for CEOP because it will not work for children, but it won't work for the National Crime Agency either (House of Commons 2010: Examination of Witnesses Q3 and Q27)

Peter Davies from the Lincolnshire Police took over from Gamble as CEOP commander in November 2010. The Crime and Courts Act 2013, Part 1, put the NCA on the statute book and CEOP was duly integrated; today CEOP is referred to as the Child Exploitation and Online Protection Command of the NCA.

National Crime Agency

Peter Davies took CEOP into its new integrated position at the NCA which went live on 7 October 2013. He was later replaced by Johnny Gwynne in December 2013. Keith Bristow, the then head of the NCA, thanking Davies for his services when he left, said he had 'steered the organisation through a period of significant change, and its transition into the NCA' ('New head of CEOP appointed' *Policing Today* 3 December 2013). At the time of integration, NCA employed 4194 staff, of which 109 were in the CEOP Command.

The NCA CEOP Command soon came under criticism for its work on child protection. This happened when information was passed to them by the Toronto Police in Canada as part of their Project Spade. This was an investigation into a company in Canada producing suspect DVDs and videos and selling them online around the world. The Toronto police had sent a list of over 2300 names of people in the UK dealing with this company to the CEOP. The list arrived in July 2012, but nobody at the CEOP did anything with it for 14 months until November 2013; it was during this period that the CEOP had been moved into the NCA.

The reason that the CEOP Command had eventually found the list of names was because they had been tipped off by sources in Canada that an announcement about Project Spade was about to be made in Toronto. The NCA Deputy Director General, Phil Gormley, had then arranged for the local forces involved to get the information they needed. Keith Bristow, head of the NCA, later explained what had gone wrong:

> Chair: How did Mr Gormley come across it? Was he looking at files? Did someone bring it to his attention?
>
> Keith Bristow: There are a number of things that happened at that time. The first one was that a colleague in INTERPOL raised it with a colleague in CEOP to allude to what was going to be announced on Project Spade, at the same time as some of the media became aware of what Toronto police were going to say and asked the NCA what it was that we had done with the Spade disseminations. That is how we became aware.
>
> Q8 Chair: Right. The way you described it in your letter, Mr Gormley was sitting there looking very assiduously at a number of files and suddenly found a file with 2,400 names of suspected child abusers. Then he immediately rushed around, disseminated this information, and decided to tell you. But in fact someone from Toronto police had tipped you all off and said that the Toronto police were about to make an announcement about this, and then Mr Gormley started to look for it. Is that right?
>
> Keith Bristow: That is a fair description. (House of Commons Home Affairs Committee 'The work of the National Crime Agency' HC688 14 October Q7-8 (available at http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2010/nca/ accessed 3 December 2015)

Unfortunately for CEOP and the NCA, some high profile sex offenders were now revealed amongst the names. One of these was Myles Bradbury, a consultant paediatric haematologist at Addenbrooke's Hospital near Cambridge, who had pleaded guilty to sexually abusing 18 boys, aged 10–16, in his care; some of them had been ill with cancer (Tran 2014). If action had been taken 14 months earlier, it could have prevented some of Bradbury's offences from taking place. Bristow apologised to the victims in his address to the Home Affairs Committee. The officer in charge of the Toronto child exploitation team accused CEOP of 'dropping the ball' (Levy and Bains 2014)

Jim Gamble was unequivocal that Home Secretary, Theresa May, should take full responsibility and 'reflect on her position':

> We've got to point the finger of blame where it belongs—and that is to this government and this home secretary who diverted CEOP from a path where it would consolidate child protection resources, to a place where it was being assimilated into a much larger organisation with a very different focus and culture. She should hold herself to account … (BBC News 2014 Myles Bradbury: Theresa May told to 'hold herself to account' 19 September http://www.bbc.co.uk/news/uk-england-cambridgeshire-29283206 accessed 29 April 2015)

The Independent Police Complaints Commission (IPCC) later decided to investigate CEOPs slow reaction to the Toronto warnings about Myles Bradbury and others (IPCC 2015).

Was Jim Gamble right in thinking the focus on children and child protection would be lost in the new NCA? Two former CEOP employees did come forward to support him and told a BBC reporter that they had left behind colleagues who were 'fighting to be able to do [their] job'. Staff were said to be struggling with the volume of work and poor IT equipment and that children could be left 'at risk'. In more general terms, one said:

> 'Working at CEOP became very, very difficult as it didn't fit into a traditional law enforcement point of view' [and CEOP went from] 'being a very close-knit organisation to be a highly demoralised place to work' (Kuenssberg 2014)

the other added:

> For me it's just a sadness—that if you look at all the people who were there at the start, they are all very, very proud of what we try to achieve, and it seems almost like it ran out of steam in a sense, and that initial impetus was lost. (ibid.)

For an outsider it is impossible to pass judgement. The above criticisms may all be true, but on the other hand, the old CEOP might have been a cosy inward looking group who wanted to be left alone and were just unable to cope with the demands of being in a larger more accountable policing structure. An NCA spokesman certainly denied there were any problems:

> CEOP is stronger and more resilient for being part of the NCA, where it benefits from increased overall resources dedicated to tackling child sexual exploitation, and greater operational reach. (ibid.)

Whatever the truth of what was going on inside CEOP, the Prime Minister responded quickly. The NCA took part in the UK government's #WeProtect Children Online summit in London in December 2014. Prime Minister David Cameron told the conference about new plans to tackle child sexual abuse on the internet through a new joint team to track paedophiles:

> I can announce today that we've created a new joint team between the National Crime Agency and Government Communications Headquarters (GCHQ), using all the techniques and expertise we use to track down terrorists, using all those techniques, to track down paedophiles as well. (Prime Minister's Office 2014)

At the same conference, he pledged a further £10 million for CEOP specifically for tackling 'child sexual exploitation' (NCA 2014); the funding was used to create four new teams to CEOP, a new hub in the North West to help investigate Child Sexual Exploitation and a 173 new staff (NCA announcement on YouTube 16 November 2015—available at https://www.youtube.com/watch?v=XDOPyG66q-8&feature=youtu.be accessed 19 November 2015)

Serious Crime Analysis Section (SCAS)

The National Crime Agency is also now home to the Serious Crime Analysis Section (SCAS) formed in 1998. SCAS collates information on all cases which involve a serious sexual offence on a national basis. The cases are mainly offences committed by 'strangers', but other cases are selected on an individual basis. The details are entered on to a database where they undergo comparative case analysis, to identify any similar offences or to see if they are part of a series of offences; the analysis is carried out using a Canadian system called ViCLAS (Violent Crime Linkage System). If any cases are found with matching characteristics, SCAS will inform the officer in the case directly.

An inspection report in 2012 was critical of the Serious Critical Crime Analysis Section for being more bound up in its own bureaucratic procedures than it was in finding criminals:

> We found that the unit directs too much resource towards assessing force compliance with the process for supplying information to the unit. This bureaucratic process consumes police and SCAS resources which would be better directed at identifying potential perpetrators. (CJJI 2012: 7–8; see also paras.2.23–2.38)

The inspection recommended that SCAS conduct a review of its services and functions.

The SCAS database in October 2013 reportedly held details of over 11,000 stranger rapes and attempted rapes (approximately 5800 solved),

more than 1200 abductions or attempted abductions (approximately 250 of which are solved), and approximately 950 murders (approximately 600 solved). In total, the database held over 22,600 cases in total (NCA 2013: 4).

The National Forensic Framework

The UK's Forensic Science Service (FSS) has been a further arm of national policing at one time offering a support service to the police with a staff of over 1200 scientists and their assistants at six regional laboratories. The service analysed the contents of drugs and other evidence from scenes of crime, including the analysis of body fluids such as blood and semen. The FSS was home to the National DNA Database (NDNAD) started in 1995. DNA has always been considered an important component in the investigation of sexual offences.

The cost of maintaining the Forensic Science Service became a matter of some concern in 2009 and the government confirmed plans to close three regional laboratories 'to ensure provision of a sustainable business' (cited in BBC News 2009). A year later, it was announced that that the FSS was to be closed down completely by March 2012. The National DNA Database was to be taken over and managed directly by the Home Office, but other forensic services would in future be provided by the private sector and the open market within a new 'forensic procurement framework' overseen by a new Forensic Science Regulator.

> We want to see the UK forensic science industry operating as a genuine market, with private sector providers competing to provide innovative services at the lowest cost. This will preserve police resources and maximise the positive impact forensic sciences can have on tackling crime. A competitive market can help to drive down prices and improve turnaround times, meaning serious crimes can be cleared up more quickly and efficiently. (*Hansard House of Commons Ministerial Statement 14 December 2010 cols. 94-5WS*)

This market arrangement has, however, caused continuing concern because the police have been going outside the 'forensic procurement framework' to purchase forensic services and have also been developing their own in-house forensic services. The Home Office have been criticised for having only a tenuous grasp on what the police are actually doing because it 'considers decisions about how to purchase forensic services should be

made locally by police and crime commissioners and chief constables'; others think the Home Office should at least have a strategy in place for police use of forensic science, which at present they do not have (NAO 2014: 1–3).

References

Barrett, D. (2014). Half of paedophiles 'need medical help' and not jail says chief constable. *Daily Telegraph*, 5 December.

BBC News. (2009). Three crime scene labs to close. *BBC News*, 22 October. http://news.bbc.co.uk/1/hi/uk/8321204.stm. Accessed 23 May 2015.

CEOP (Child Exploitation and Online Protection centre). (2010). *Annual review 2009–10*. London: CEOP.

CEOP (Child Exploitation and Online Protection centre). (2011). Do you know this man? (press release), 22 July. London: CEOP.

CJJI (Criminal Justice Joint Inspection). (2012). *Forging the links: Rape investigation and prosecution*. London: HMIC/HMCPSI.

Culf, A. (1990). 3000 names on Yard paedophile register. *The Guardian*, 28 July.

HMIC (HM Inspectorate of Constabulary). (1997). *The National Criminal Intelligence Service inspection report*. London: HMIC.

HMIC (HM Inspectorate of Constabulary). (2005, September 15). *Closing the gap: A review of the 'fitness for purpose' of the current structure of policing in England and Wales*. London: HMIC.

Home Office. (2010). *Child Exploitation and Online Protection centre (CEOP): The way forward (Cm. 7785)*. London: HMSO.

Home Office (2010d) *Policing in the 21st Century: reconnecting police and the people* Cm 7925 July TSO, London

House of Commons. (2010). Work of the Child Exploitation and Online Protection (CEOP), Centre Home Affairs Committee (Session 2010–12) HC510 ii. London: HMSO.

IPCC (Independent Police Complaints Commission). (2015). IPCC to investigate NCA over handling of child sex abuse intelligence by CEOP (press release), 23 January.

Johnston, P. (2006). Child sex fugitives named on UK website. *Daily Telegraph*, 17 November.

Kuenssberg, L. (2014). Ceop failures leave children at risk, former employees say. *BBC Newsnight*, 26 November. http://www.bbc.co.uk/news/uk-30203112. Accessed 29 Apr 2015.

Laville, S. (2009). Government's organised crime strategy has echoes of the past. *The Guardian*, 13 July.

Levy, A., & Bains, I. (2014). Police blunders that left boys at mercy of paedophile doctor. *MailOnline*, 1 December. http://www.dailymail.co.uk/news/article-2855803/Paedophile-children-s-doctor-Myles-Bradbury-jailed-22-years.html#ixzz3YiHTXeJQ. Accessed 19 Nov 2015.

NAO (National Audit Office). (2014). Briefing for the House of Commons Science and Technology Committee: The Home Office's oversight of forensic services.

NCA (National Crime Agency). (2012). CEOP launch a new way to prevent UK child sex offenders from abusing children overseas (press release), 18 October. London: NCA

NCA (National Crime Agency). (2013). Research protocols: Research protocols concerning the release of NCA Crime Analysis Unit and Crime Operational Support Data for External Research.

NCA (National Crime Agency). (2014). 10m additional funding for tackling child sexual exploitation (press release), 12 December. London: NCA.

Scott, H. (1954). *Scotland Yard*. London: Andre Deutsch.

Tempest, M. (2006). Government scraps police merger plan. *The Guardian*, 12 July.

Tran, M. (2014). Children's doctor jailed for abusing young patients. *The Guardian*, 1 December.

PART II

Policing Sex Offenders

CHAPTER 5

International Policing

Abstract Police cooperation across international borders is mostly limited to the exchanging of personal information on individuals. This can be on a bilateral basis (e.g. Northern Ireland and the Republic of Ireland) or on a multilateral basis (e.g. through INTERPOL). These systems can alert other countries to the arrival of known sex offenders who are travelling. Individual countries may be able to stop them travelling in the first place or act to prevent them disembarking on arrival in their country. The UK does also have some extra-territorial laws allowing sex offenders to be prosecuted in the UK for offences committed in other countries.

Keywords International police cooperation • INTERPOL • Europol • The travelling sex offender

Introduction

Policing has traditionally been restricted to a given nation-state and police officers are not allowed to operate outside their authorised jurisdictions. In practice, they do have a need to work across national borders with their counterparts in other countries, but this work has been largely restricted to the communication of personal data on individuals or groups wanted or suspected of crimes. Sexual offending is one of the few areas that permit

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the British police to investigate crime committed by British nationals in other countries; a process formally described as 'extra-territorial policing'.

The police have formed what might be called 'trans-national policing networks' (TPNs) to formalise communications with other police forces; some of these are just between two countries—others are on a multilateral basis. The two best known multilateral TPNs are INTERPOL (the International Criminal Police Organisation) and Europol (the European Police Office).

International Police Cooperation

The limitations placed on the police to act outside their home jurisdiction has led much of international police cooperation to be confined to the exchange of information with other police forces. Such police information is primarily personal information on identifiable individuals and not least when there are suspected or confirmed sexual offending activities, but it can also be aggregated or statistical information on crime trends and forms of organised crime.

Bilateral 'Trans-national Policing Networks'

The police of Northern Ireland and the Republic of Ireland have established a bilateral 'trans-national policing network' to deal with the large traffic of people crossing their border. They have made specific arrangements regarding sexual offenders and their identification at the borders.

A Memorandum of Understanding (MoU) between the North and the South of Ireland was agreed in 2006 on police information exchanges and a Registered Sex Offender Advisory Group was established with representatives of both sides of the border sitting on it (Home Office 2006). A further Information Sharing Agreement was signed by the Garda Siochana and the Police Service of Northern Ireland two years later to complement the MoU. This Agreement promoted the sharing of information on sex offenders for purposes of public protection and the investigation of new crimes (House of Commons 2009: paras 92–9).

Multilateral 'Trans-national Policing Networks'

An early example of a multilateral 'trans-national policing network' is the Council of Europe's 1959 *Convention on Mutual Assistance in Criminal*

Matters. Amongst other things, this Convention required all police forces in Europe to pass criminal record information on foreign nationals convicted in their jurisdictions to the offender's home country (CoE 1959: Articles 13 and 22). The system was somewhat hit-and-miss, with some countries being more diligent in their duties than others. The UK did not even implement the Convention for 31 years until the Criminal Justice (International Cooperation) Act 1990 was passed.

The result was that little was known about this Convention and its exchange requirements in the UK until, inevitably, things went wrong. From 1990 onwards, the UK was in receipt of these overseas criminal records which went to the Metropolitan Police who put them in the national collection of criminal records held at Scotland Yard. When these same records were computerised and put on the Police National Computer in 1995, Scotland Yard stopped doing this and the records went to the Home Office instead. The Home Office did nothing with them. Eventually after 12 years, the error was spotted in 2007 and an estimated 27,500 records were found at the Home Office literally gathering dust (Johnston 2007).

Something of a media firestorm was aimed at the Home Office and the Home Secretary, John Reid. The fear was that British nationals might have returned home with convictions overseas for sexual offences that were not known to the police or the agencies responsible for vetting childcare workers (see Chap. 7). Twenty five of the records were known to be on convictions of rape and according to ACPO:

> The majority of these serious foreign convictions of UK nationals were not on the PNC and we have no DNA, fingerprints or photographs. None of the 25 UK nationals convicted of rape had been made subject of the sex offenders register. (cited in ibid)

Steps were taken to enter all the old records onto the PNC and an inquiry instituted to see what had gone wrong (Amroliwala 2007).

Today, the ACPO Criminal Record Office (ACRO) based in Fareham, Hampshire, has taken over the role of handling European criminal record exchanges. It does this by hosting the UK Central Authority for the Exchange of Criminal Records (UKCA-ECR) established in 2006. Since April 2012, the ECRIS (European Criminal Records Information System) has facilitated these exchanges electronically. Previous convictions of British nationals made in other EU countries can now be added to their

antecedents presented in court if they are facing sentencing in the UK (Coroners and Justice Act, s. 144, and Schedule 17; MoJ 2010).

ACRO have also developed a complementary Non-European Union Exchange of Criminal Records (NEU-ECR) team which started in May 2007. This team keeps the PNC updated wherever possible with the criminal records of UK nationals convicted in non-EU countries and, if requested, will send out criminal record antecedents of British nationals to countries where they are facing proceedings. Conversely, the NEU-ECR team also sends out details of non-EU nationals convicted in the UK to the person's home country as well as requesting the details of criminal records from these same countries if one of their nationals is facing criminal proceedings here (for further details see ACRO website available at https://www.acro.police.uk/ICCE.aspx accessed 19 November 2015).

Interpol (International Criminal Police Organisation)

INTERPOL is probably the best known permanent 'trans-national policing network' having been formed in 1914 or 1923, depending on which history of INTERPOL you read. It currently has 190 countries worldwide as members each with its own INTERPOL office—known as a National Central Bureau (NCB)—and a head office in Lyon, France. The UK's INTERPOL NCB is located at the National Crime Agency.

INTERPOL is essentially a means of secure communication between police forces and is said to have:

> one of the most sophisticated automated search and image transmission systems in the world. It enables rapid reliable and secure exchange of information. NCB's will have access to an enormous store of data. (Benyon et. al. 1993: 226)

Since these comments by Benyon and colleagues in 1993, the INTERPOL communication system has been upgraded again and is now known as I24/7. This system links all the 190 police forces and enables them to have access to INTERPOL's own databases (see INTERPOL website available at http://www.interpol.int/INTERPOL-expertise/Data-exchange/I-24-7- accessed 24 May 2015; see also CJJI 2012: paras.2.40–2.44). One of these databases is INTERPOL's Child Abuse

Image Database (ICAID), enabling a digital comparison of images received and stored from around the world.

INTERPOL also has a series of colour coded notices that it issues to its member police forces which provide information of varying kinds. A Red Notice indicates a person wanted who should be arrested and a Yellow Notice is information on a missing person. Probably of most significance regarding sexual offenders is a Green Notice advising that a particular person is likely to be entering a country and has committed crimes of a certain nature and is likely to do so again.

The ACPO Lead on Sexual Offending in 2007 had made his own warning:

> There will be people coming into this country with criminal records and sex offenders too—guaranteed. The reality is we don't know who they are and we should—no matter where they come from. (cited in BBC News 2007)

Examples of people who do cross borders and commit sexual offences in the UK crop up at regular intervals. Josef Kurek from Poland was sentenced to two years imprisonment for raping a woman near Llanelli in Wales; Kurek had previous convictions for sexual offences and rape in Poland (ibid). Gerson Correia Garcia was under investigation for three rapes in Portugal when he left to commit a further sexual offence in Leeds, (Dudgeon 2009) and Arnis Zalkins from Latvia killed himself after killing 14-year-old Alice Gross in West London (Kirk and Bingham 2014). West Yorkshire police investigating a rape in the streets of Leeds tracked the suspect back to eastern Slovakia before bringing him before the UK courts to receive a 14-year sentence (Moss and Potts 2015).

The front-line UK police officer is said to be not comfortable with dealing with INTERPOL matters or indeed any other international system. Magee highlighted the lack of awareness and confusion exhibited by officers of the sources of international exchange information available to them and their accessibility (Magee 2008: para 136).

HM Inspectorate of Constabulary have made similar findings from officers they spoke to finding 'a perception that [the] system is complicated' (CJJI 2012: para 2.44) and that 'police do not utilise the range of facilities available for checking international notice information as fully as possible'; the HMIC cited an example:

> A force recently conducted a 24-hour snapshot study of all persons arrested in one area which revealed that a large number of foreign nationals taken into custody had little or no international intelligence checks completed.
>
> Retrospective checking of the impact of this identified a large percentage of these suspects were either wanted for offences under the European Arrest Warrant procedures or other international matters. (ibid: para 2.47)

The Inspectorate report challenged the mind-set that this was a 'complex' area suggesting officers could talk to their International Liaison Officers based in the Force Intelligence Bureau or that if necessary 'a phone call to the international desk at INTERPOL provides an easy route to the information required' (ibid: 2.44).

Europol

Europol has its political origins in the European Union and emerged from the1991 Maastricht Treaty. It operates just between the 28 EU Member States and only deals with serious organised crime from its headquarters in The Hague; in contrast, INTERPOL will deal with any sort of crime committed by individuals. Each Member State has its own national office referred to as the Europol National Unit (ENU) and all are linked through the Europol Information System (EIS); the UK's ENU is based in the National Crime Agency alongside the INTERPOL NCB.

Europol is 'governed' by the Europol Convention written in 1995, which within it, has a mandate to deal with organised trafficking in human beings defined as:

> [The] subjection of a person to the real and illegal sway of other persons by using violence or menaces or by the abuse of authority or intrigue with a view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children. (Europol Convention 1995 (as amended), Annex to art. 2)

Within the UK, laws against trafficking have been passed in the Sexual Offences Act 2003, ss. 57–60.

Schengen Information System

The Schengen Agreement was originally signed in 1985 in the small town of Schengen in Luxembourg. The Agreement became the Convention in 1990 and outlines the Schengen Area representing the territory where the free movement of persons is guaranteed within the EU. The signatory states to the Convention agree to abolish all internal borders in lieu of a single external border. For many years, the Schengen Convention was hardly heard of, but today is seen as the EU's attempt to not only facilitate the EU's 'area of freedom, security and justice', but also its attempt to police that area. It received much attention during the migrant crisis of 2015 when the open borders idea was called into question.

The UK eventually signed the Convention in 1999 only to later opt out again. The Schengen Area currently consists of 26 States, including four which are not members of the European Union:

> Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland.

Integral to policing the Schengen Area is a computerised information system known as the Schengen Information System (SIS) linking all the police forces of the EU. The SIS is a central feature of the Convention allowing the police to have access to thousands of names and other information on persons or objects. The idea is to compensate for the loss of borders where movement of people was previously checked and policed. Today, the Schengen computerised systems have been upgraded to a second generation known as SIS II which came into operation in April 2013 (College of Policing 2015).

Member States supply information to the system through national networks connected to a central system. This system is supplemented by a network known as SIRENE (Supplementary Information Request at the National Entry), which is the human interface of SIS II. Just to complicate things, the UK government indicated in 2012 that it wanted to opt out of European policing arrangements and then to opt back into some of them. This caused protracted discussions, meaning the UK only got full access to SIS II on 13 April 2015 (Home Office 2015e).

The UK and Ireland, while both EU Member States, do not now participate in the borders and visas aspects of the Schengen Agreement and continue to operate border controls with other EU Member States; the UK does have access to the Schengen Information System II.

All of these European and global police communications systems have grown incrementally and are both complex and labyrinthine. A useful guide to European systems in the context of managing sex offenders has been produced by the SOMEC (Serious Offending by Mobile European Criminals) Project based at De Montfort University, Leicester, and funded by the European Commission (Hilder S and Kemshall H 2014).

Extra-Territorial Policing

People who have travelled abroad and committed sexual offences against children have been referred to as 'sex tourists' and the activity as 'sex tourism'. The term referred especially to the practice of men from developed industrialised countries, such as the USA, Japan, and Western Europe, travelling to less developed countries, such as Thailand, Sri Lanka, and the Philippines, to buy sexual services from prostitutes—including child prostitutes. They were taking advantage of levels of poverty pushing children into this sex work and the accompanying less than rigorous law-enforcement in some countries.

Campaign groups such as 'End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes'—better known as ECPAT—and the Preda Foundation based in the Philippines argued that new laws were needed to prosecute British nationals travelling for purposes of 'sex tourism' and the example set by Sweden's 'extra-territorial legislation' was held up as a model of what could be done (Home Office 1996).

The term 'sex tourism' has more recently been criticised as being inaccurate because it implied a form of short-term holiday was taking place when western men were also engaged in these sexual activities, whilst working overseas as business men or attending conferences. Others were more long-term residents working as volunteers in various projects to help children and might be living abroad for a number of years. The term 'travelling sex offender' has started to replace 'sex tourism'.

The Sex Offenders Act 1997, Part 2, allowed the UK authorities, for the first time, to prosecute those who committed sexual offences against children in other countries; the offence had to be a crime in both countries, and the Act applied only to British citizens or people

resident in the UK. The prosecutions would be in UK courts and penalties for a crime would be the same as if the offence had been committed in the UK.

The police, no doubt preoccupied with crimes in this country, were slow to develop the requisite skills to enforce this 'extra-territorial legislation'. If the offence had been committed in the Far East, the work involved was protracted and difficult and took up hours of police time. The first prosecution under the 1997 Act was reportedly against a man who had committed sexual offences on a campsite in France (Bennetto 2000).

When a man from Watford was prosecuted in St Albans Crown Court for the rape of a ten-year-old girl in India ECPAT UK welcomed the prosecution but pointed out that 'successful cases like this are extremely rare' (BBC News 2010). Hertfordshire police put out a statement to say:

> The investigation led by Hertfordshire Constabulary was made possible by a team of dedicated professionals within the Child Exploitation and Online Protection Command (CEOP), the Serious and Organised Crime Agency, the Crown Prosecution Service (CPS) and Justice and Care, an international human rights agency based in India and the UK that works with governments to support victims of exploitation. (Hertfordshire Constabulary 2010)

Gloucestershire Constabulary had less success when they tried to prosecute a man for offences in India. The judge at Bristol Crown Court was critical of the bureaucratic nature of the process, and the failure of the police to secure sufficient evidence from India despite 'a team of officers from Gloucestershire Constabulary [having] visited India to interview victims and witnesses during 2009, as part of the lengthy and thorough investigation' (CPS 2010); the case had collapsed in court.

Other reported cases have been successful. A 55-year-old man was convicted and sentenced to 17 years in prison at Birmingham Crown Court for sexually abusing children in this country and in Kenya in East Africa where he ran a charity working with street children. He had first been spotted in Kenya by a Channel 4 film documentary crew (Morris 2015). The West Mercia Police were this time assisted by the campaign group, International Justice Mission (IJM):

> When the trial began in the UK in October 2014, IJM Social Worker Esther Njuguna acted as lead translator and aftercare support for witnesses testifying on live video from Kenya. This real-time innovation made it possible for each victim's story to be heard in a comfortable environment, allowing the truth to come to light without interference. (IJM 2014)

The Travelling Sex Offender

Given the complexities of bringing overseas cases to court in the UK further measures were introduced to try and stop people going abroad if they were likely be a sexual risk to children. Changes in the law were introduced that required registered sex offenders to inform the police if they were travelling abroad (Criminal Justice and Court Services Act 2000, Schedule 5, para. 4) and Foreign Travel Orders introduced by the Sexual Offences Act 2003 which could ban certain known sex offenders going abroad at all.

The Out-Bound Sex Offender

Registered sex offenders being 'managed' by the police in the UK must notify the police of their travel plans if they are intent on travelling abroad. When first introduced, this requirement was for anyone going abroad for more than eight days (2001), but after campaigning by ECPAT UK, this eight day period was reduced to three days (in 2008) and is now (since August 2012) down to any time at all spent abroad (Sexual Offences Act 2003,s. 86, as amended; Sexual Offences Act 2003 (Notification Requirements) (England & Wales) Regulations 2012 no. 1876). Christine Beddoe, Director of ECPAT UK, clearly regarded it as a victory declaring 'we are … delighted that the government has finally heeded ECPAT UK's call to close the "3-day loophole" abroad' (ECPAT 2012); little evidence had been produced to show that people were actually travelling abroad for less than three days to abuse children.

Foreign Travel Orders

The Foreign Travel Order was introduced by the Sexual Offences Act 2003 to prevent registered sexual offenders travelling abroad. The police applied to magistrates for the order which, if granted, lasted originally for six months, but this was extended to five years from April 2010. During this time. the subject of the order was unable to leave the UK for either a specified country or indeed anywhere in the world. Failure to comply was a criminal offence (Sexual Offences Act 2003,s. 117, as amended; Policing and Crime Act 2009,s. 24).

Police applications for Foreign Travel Orders were not pursued in any great numbers and FTOs were eventually repealed and replaced on 8th March 2015 by two new orders with a similar effect—the Sexual Risk

Order or the Sexual Harm Prevention Order (Anti-social Behaviour, Crime and Policing Act 2014, s. 113, and Schedule 5).

These new orders may be made to prevent travel even if the anticipated activity of the person concerned is going to be legal in the country they had intended to visit; this could be, for example, because of a lower age of consent. Indeed, it is not even necessary to establish or specify the type of sexual activity which a defendant intends to engage in, in the country they are going to in order to obtain an order (Home Office 2015f: 50). It remains to be seen if the UK police will apply for them any more than they applied for the old FTOs.

These two new orders are considered further in Chap. 6.

The In-Bound Sex Offender

People arriving at UK airports or ports who have been convicted for sexual offences in other countries could have their names added to the UK sex offender register.

Notification Orders

The Notification Order could be applied for by the police on anyone known to have committed relevant sexual offences in another country and who was considered a risk to the public; the subject of a Notification Order could be a British national returning to the UK having offended overseas, or a foreign national with convictions for sex offences taking up residence here. Applications are made to a magistrate's court and the making of the Notification Orders meant the subject was included on to the UK sex offender register and had to abide by all its requirements (Sexual Offences Act 2003, ss. 97–103).

The main problem for the police is in knowing when a person, who had the qualifying criminal record, was arriving in the country. There was no problem when well-known people came into the UK such as Paul Gadd (better known as pop-star 'Gary Glitter') (Salter 2008), but otherwise it could be difficult; two brothers from Slovakia, for example, entered the UK with criminal records for sexual crimes but were only apprehended when further crimes were committed here ('Sex fiend they let into UK jailed for life over child abuse in Rotherham' *Yorkshire Post* 11 August 2015—available at http://www.yorkshirepost.co.uk/news/main-topics/

general-news/sex-fiend-they-let-into-uk-jailed-for-life-over-child-abuse-in-rotherham-1-7404300 accessed 27 October 2015).

The Home Office has produced guidance to help the police in 2004 and this has been periodically updated to its present 2015 version. In essence, applying for a Notification Order is a police decision based on intelligence which could come from a variety of sources including:

- A British citizen is being released from custody overseas, after conviction for a sexual offence, and the authorities in the relevant country or the diplomatic service are organising his or her return to the UK.
- A British citizen is returning to the UK after receiving a caution for a sexual offence overseas. During his dealings with the authorities in the foreign country, he was assisted by the authorities overseas or the diplomatic service.
- A British citizen is being repatriated to a UK prison to serve his sentence received overseas for a sexual offence.
- Authorities in the UK have been informed by a foreign country that one of their citizens, who has previous convictions for sexual offences, is intending to come to the UK.
- An individual comes to the attention of the police, and on investigation of his criminal history it becomes apparent that he has convictions for relevant sexual offences overseas (Home Office 2015f: 53–4).

It is not anticipated that the police will apply for an order in respect of, for example, offenders travelling from abroad for a short visit to the UK. It is expected that wherever it comes to the attention of the police that an offender intends to spend a considerable amount of time in the UK and meets all of the conditions for a Notification Order, an order will be sought.

References

Amroliwala, D. (2007). *Report of the inquiry into the handling by Home Office officials of notifications, by other European countries, of criminal convictions for UK citizens.* London: Home Office.

BBC News. (2007). Warning on migrant sex offenders. *BBC News*, 12 July. http://news.bbc.co.uk/1/hi/wales/6895621.stm. Accessed 24 May 2015.

BBC News. (2010). Hertfordshire man jailed for raping girl in Goa. *BBC News*, 10 December. http://www.bbc.co.uk/news/uk-england-beds-bucks-herts-11971829. Accessed 24 May 2015.

Bennetto, J. (2000). Camp site owner jailed for sex assaults on girls. *The Independent*, 22 January.

Benyon, J., Turnbull, L., Willis, A., Woodward, R., & Beck, A. (1993). *Police cooperation in Europe: An investigation*. Leicester: Centre for the Study of Public Order, University of Leicester.

CJJI (Criminal Justice Joint Inspection). (2012). *Forging the links: Rape investigation and prosecution*. London: HMIC/HMCPSI.

CoE (Council of Europe). (1959). *Convention on mutual assistance in criminal matters* (ETS 30). Strasbourg: Council of Europe.

College of Policing. (2015). Schengen Information System (second generation) SISII [Internet]. https://www.app.college.police.uk/app-content/investigations/european-investigations/schengen-information-system/. Accessed 06 Dec 2015.

CPS (Crown Prosecution Service). (2010). Judge dismisses ground breaking sexual offences case (press release), 17 June.

Dudgeon, O. (2009). Suspect on run came to UK and raped teenager. *Yorkshire Post*, 27 November.

ECPAT. (2012). ECPAT UK 'Campaign success—UK government to close the '3-day loophole' on overseas travel by British sex offenders (press release)', 8 March.

Hertfordshire Constabulary. (2010). Child sex offender jailed (press release), 10 December.

Hilder, S., & Kemshall, H. (2014). European information exchange mechanisms. A mapping report of existing frameworks. SOMEC, Serious Offending by European Criminals. Report 2, Part One. SOMEC in partnership with Confederation of European Probation. https://www.dora.dmu.ac.uk/handle/2086/10111. Accessed 20 Nov 2015.

Home Office. (1996). *Review of extra-territorial jurisdiction: Steering Committee report* (Sentencing and Offences Unit). London: HMSO.

Home Office. (2006). Better tracking of sex offenders between the UK and Republic of Ireland (press release), 27 November. London: HMSO.

Home Office. (2015e, April 13). *Second generation Schengen Information System (SIS II)* (Policy Paper). London: Home Office.

Home Office. (2015f). *Guidance on part 2 of the Sexual Offences Act 2003*. London: Home Office.

House of Commons. (2009, June 18). *Northern Ireland Affairs Committee cross border cooperation between the governments of the United Kingdom and the Republic of Ireland* (HC 78). London: HMSO.

IJM (International Justice Mission). (2014). British charity director found guilty for abusing street children in Kenya (press release), 16 December.

Johnston, P. (2007). No record kept of criminals convicted abroad. *Daily Telegraph*, 10 January.

Kirk, T., & Bigham, J. (2014). Alice Gross murder suspect Arnis Zalkalns was walking around 'hyper' as if on drugs, claim witnesses. *Daily Telegraph*, 5 October.

Magee, I. (2008). *The review of criminality information*. London: Home Office.

MoJ (Ministry of Justice). (2010). *Implementation of section 144 and Schedule 17 of the Coroners and Justice Act 2009* (circular 2010/12). London: MoJ.

Morris, S. (2015). British charity worker Simon Harris jailed for abusing boys in Kenya. *The Guardian*, 26 February.

Moss, A., & Potts, L. (2015). How police hunt for rapist went from Leeds to Slovakia. *BBC News*, 20 October. http://www.bbc.co.uk/news/uk-england-leeds-34540213. Accessed 27 Oct 2015.

Salter, S. (2008). Gary Glitter returns to Britain. *Daily Telegraph*, 22 August.

CHAPTER 6

The Police Management of Sexual Offenders

Abstracts The police management of sexual offenders is a relatively new role for the police which started when they were given custodianship of the sex offenders register. The idea was that they would also risk-assess and manage those offenders living in the community as registered sex offenders. New police Public Protection Units (PPUs) were established to support the police who had to deal with those who did not comply with their registration requirements and to advise on the nature of supervisory home visits. A variety of 'restrictive orders' were available to the police to assist in this offender management role.

Keywords Sex offender register • MAPPA • Offender management • Restrictive orders

The first part of this book looked at the traditional role of the police in taking reports of crimes and investigating them with a view to collecting evidence, arresting suspects, and helping to bring prosecutions. Here we look at the relatively new regulatory police role of 'risk assessing' and 'managing' sex offenders living in the community. This work of offender management has been arguably a big change for the police from their usual work and has come about primarily because the police have been given custodianship of what is familiarly known as the sex offender register. The register was introduced in 1997 as a measure of 'public protection':

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> At a stroke this measure ensured that the police were no longer responsible only for the investigation of sexual crimes and the apprehension of sexual offenders but also for their risk assessment and on-going management in the community. This represented a significant departure from traditional roles… (Nash 2014)

The Sex Offender Register

Home Secretary, Jack Straw, announced the government's intention to introduce an American style sex offender register in 1996. A Consultation Paper followed, proposing arrangements whereby convicted sex offenders living in England and Wales would be required to notify the police every time their circumstances and, in particular, their address changed (Home Office 1996).

The Sex Offender Act received its Royal Assent on 31 March 1997. The Act never mentioned the word 'register' as such **(1)** but only outlined the requirements now placed on convicted and cautioned sex offenders to notify the police of their changed circumstances as required and the time period that those requirements would last. The term 'sex offender register' is used in this book for convenience and so too the term 'registered sex offender'. That time period varied dependent on the seriousness of the sentence given in the original court hearing; serious registered sex offenders (RSOs) with heavy sentences (over 36 months in custody) were required to notify for life. Failure to notify was an offence in itself.

The Home Office produced guidance for the police on how they should administer these new arrangements (Home Office 1997) and the Association of Chief Police Officers did the same (ACPO 1997), as police forces across the country organised themselves to receive the first sex offenders coming into 'register' after implementation day—1 September 1997. It should be emphasised that the register is not part of an offender's punishment, but a measure of public protection.

The whole process of setting up the register had been carried out in double quick time and it would be true to say that the police were not fully prepared for their new role. One police officer reflecting back on the start of the sex offender register summed it up:

> So in 1997 the register came in and the police had no idea what to do with it and they didn't do anything with it. People who had to sign up to it did so

> and were probably never visited again. It was a complete and utter shambles. (Thomas et al. 2014: 144)

The increased workload on the police was not taken into account and this was another cause of problems:

> The introduction of the Sex Offenders Bill stated that there would be no additional resources provided to meet the cost of its implementation. In forces dealing with fewer sex offenders the work had been absorbed without much difficulty. However, many forces felt that implementation of the Act had resulted in a significant increase in workload. (Plotnikoff and Woolfson 2000: 16)

The Independent Police Complaints Commission cited another police officer's experiences

> In 2002 … the Unit was fairly new and as there was no filing system in place, two officers started a colour coded paper based filing system. It took these officers three years to gain access to a dedicated camera to photograph the RSOs and a dedicated car was not available till late 2006 when they had left the department. There was no handover period when the two officers left so new officers found the roles difficult as neither had any previous experience or knowledge of the filing system in place. (IPCC 2009: Case 2.5)

The other factor not taken into account was what exactly the police were going to do with the information they now held on RSOs and who they were going to share it with.

Multi-Agency Public Protection Arrangements (MAPPA)

Given the task of risk assessment and management of sex offenders, some police forces started working informally with their local Probation Service. Risk assessment techniques were something in particular that the police thought they could learn from their probation colleagues (Maguire et al 2001). Eventually, legislation was introduced to formalise these informal arrangements and put the police alongside the Probation Service in what became known as Multi-Agency Public Protection Arrangements (MAPPA) (Criminal Justice and Courts Services Act 2000, ss. 67–68). Later, the prison service was added to create the three MAPPA 'respon-

sible authorities'—police, probation, and prison service; other agencies including the health service, Children's Services, and housing authorities were placed under a 'duty to cooperate' in the MAPPA (Criminal Justice Act 2003, ss. 3 and 6).

This formal assemblage of agencies was now required to work together in risk assessing and managing registered sex offenders in the community. Guidance was produced and regularly updated (NOMS 2012 is the most recent version) and each MAPPA had its own Strategic Management Board (SMB) and its own coordinator. They had to produce an annual report on their activities and the Home Office, and later the Ministry of Justice, would produce an annual national report. Lay people as representatives of the community were invited to sit on the Strategic Management Board; this was widely seen as a sop to those calling for 'community notification' policies in the UK which were not looked on favourably (see Chap. 7).

The work of MAPPA has been generally welcomed, although it could still be improved in areas such as administration and the producing of Risk Assessment Plans (see CJJI 2011 and 2015) and variations between MAPPAs has also been noted (Hudson and Henley 2015).

Risk Assessment and Management

The Criminal Justice and Court Services Act 2000, s. 67, placed the police under a duty to 'establish arrangements for the purpose of assessing and managing the risks posed in that area by relevant sexual or violent offenders'. This work is usually identified as 'public protection' work and the role is carried out by designated police Public Protection Units (PPUs) or some other similarly named unit (College of Policing 2015).

Risk Assessment

Risk assessment was central to this police work to try and 'predict' the likely future offending of the RSO. At first, they used a risk assessment system called the Structured Anchored Clinical Judgement (SACY) (ACPO 1999). The various risk assessment tools available to assist the police now included the Risk MATRIX 2000 using factual information about the offender's past history (Helmus et al. 2013) and, more latterly, the Active Risk Management System (ARMS). The ARMS was created and developed by Cumbria Deputy Chief Constable, Michelle Skeer, as national lead for the management of sexual offenders and violent

offenders, and the National Offender Management Service (NOMS) (McNaughton Nicholls and Webster 2014; CJJI 2015: para. 6.30). The two risk assessment tools are designed to work together and complement each other and to enable the police working with MAPPA eligible offenders to categorise RSOs as

- Very High Risk
- High Risk
- Medium Risk
- Low Risk

Management

Once a risk assessment has been made the second half of the equation—management—has to begin. Some RSOs will receive home visits.

Home Visits

The police make home visits to some registered sex offenders and these are to carry out risk assessments and to be part of the offender's management. In the early days of the register the police were clearly feeling their way even within the same force:

> Offenders in one division could be visited by specialist plain clothes officers with a view to completing detailed questionnaires, take a Polaroid photograph, a DNA swab or arrange finger-printing and in another division by officers in uniform tasked on a one-off basis and without any specific protocol to follow. (Plotnikoff and Woolfson 2000: 35)

The purpose of these visits have been said to be not always clearly defined (HMIP/HMIC 2005: 43) and guidance has been produced at both policing and MAPPA level (NOMS 2012); the visiting officers are advised to be 'lifestyle vigilant' (NOMS 2009: 21.9).

The frequency of home visits vary but in the 2007 MAPPA Guidance Version 2 'good practice' the frequency was recommended at

- High and Very High Risk—monthly
- Medium Risk—quarterly
- Low Risk—annually (NOMS 2007: para. 15.7)

The later Version 3 guidance in 2009, however, had reduced this 'good practice' frequency down to:

- Very High Risk—monthly
- High Risk—every three months
- Medium Risk—every six months
- Low Risk—annually (NOMS 2009: para. 21.9)

Why such a reduction was made was not explicitly stated (Whitehead 2009). Others have pointed to the redefining of who the 'very high risk' serious offenders really are; so if you simply redefine offenders as less serious do they need less oversight? (Hudson and Henley 2015).

Home visits have not always gone smoothly and sometimes a registered sex offender has refused to allow a police officer to enter his/her home; being on the register does not give an officer an automatic right of entry and it was reported that 'a minority of sex offenders were aware of the legislation and did not always allow entry' (HMIP/HMIC 2005: para.7.16).

Some police officers have been creative in their thinking. The Sexual Offences Prevention order (SOPO) is a court order applied for by the police that prohibits the person concerned from engaging in various activities (for more on these orders see below). SOPOs should only be placing 'negatives' on the offender describing behaviour that he or she cannot engage in; they cannot place 'positive' requirements on the person concerned. The police, however, could simply re-word the 'right of entry' and make it a 'negative prohibition' by saying the person concerned 'must not deny access' to a police officer. Such creativity was challenged in the courts where the Appeal Court described such wording as 'draconian', because it effectively created a continuing search warrant lasting at least five years (*Thompson [2009] EWCA Crime 3258*).

The Violent Crime Reduction Act 2006, s. 58 (inserting a new s. 96B in the Sexual Offences Act 2003), gave police who had been refused admission twice, the power to apply to magistrates for a warrant giving a right of entry to complete a risk assessment using 'reasonable force', if necessary (Home Office 2007).

There is little research on the effectiveness of police offender management of RSOs. The NCA, for example, made 660 arrests in co-ordinated raids across the country in its Operation Notarise in July 2014. These were people alleged to have been accessing indecent images of children from the internet; 39 of them turned out to be already on the sex offender

register and therefore known to the police. Nobody raised the question of why the police 'offender management' of these 39 RSOs had failed to notice the illegal activities they were engaged in and the NCA press release rather hurried over this fact:

> Of the 660, 39 people were Registered Sex Offenders but the majority of those arrested had not previously come to law enforcement's attention. (NCA 2014)

Sometimes, registered sex offenders have committed more serious offences. Michael Clark sexually assaulted and murdered a 15-year-old child in Leeds whilst on the register ('Zuzanna Zommer murder: Leeds street scared of weirdo with dark past' *Yorkshire Evening Post* 9 May 2008—available at http://www.yorkshireeveningpost.co.uk/news/latest-news/top-stories/zuzanna-zommer-murder-leeds-street-scared-of-weirdo-with-dark-past-1-2180660 accessed 27 September 2015). Peter Chapman on Merseyside similarly groomed and met with a 17-year-old girl, who he sexually assaulted and murdered in October 2009 whilst on the register (IPCC 2011).

It could be said that the placing of sex offenders on a 'register' probably gives the public a false sense of reassurance that 'something is being done'. Some high risk offenders will be under more surveillance than others, but once registration requirements have been fulfilled and with limited police resources, RSOs are free to do what they want. As one told a reporter:

> One minute you're under scrutiny—next you've got free range, you can do what you damn well please and there's not really anybody there to oversee you or check up on you to make sure you're still residing at the address that you'd actually given when you first moved down there. If I wanted to step out of line or just disappear without wanting to be found again that would have been the ideal opportunity to do it. (Whitehead 2009)

Polygraph Testing

The police have been given polygraphs—or lie detectors—to help them in their management of sex offenders. For many years, these devices had been resisted in the UK and dismissed as an example of American 'exceptionalism' that was unreliable and not much more than 'pop' psychology. Eventually, the politicians were won over and the enabling law was passed

in the 2007 Management of Offenders Act; it was to be another seven years before use of the polygraph started in 2014 (Bowcott 2014).

Hertfordshire Police and South Yorkshire Police were the first two forces to use polygraphs on sex offenders (Hertfordshire 2014; Waugh 2015). At the moment, the police cannot compel a sex offender to take a polygraph test and its use is purely with the person's consent. The polygraph will be used to aid sex offender risk assessments by verifying the information the police receive in either office visits or home visits.

Appeals to Come Off the Register

Anyone sentenced to over 36 months in custody remains on the sex offender register indefinitely. The original law made no provisions for appeals to come off the register and people in this position were registered for life. A man in Newcastle required to notify for life decided he was no longer a risk to anyone and claimed the lack of an appeal system was incompatible with the European Convention on Human Rights. On 21 April 2010, the Supreme Court agreed with him and made a declaration of incompatibility (*R (on the application of F and Angus Aubrey Thompson) v Secretary of State for the Home Department [2010] UKSC 17*). The government introduced an appeal system to be led by the police (Sexual Offences Act 2003 (Remedial) Order 2012 which added a new ss. 91A-F) to the Sexual Offences Act 2003).

The new appeal arrangements started from 1 September 2012 and the police immediately started to receive appeal applications from sex offenders; the police have the role of determining whether the applicant is safe to come off the register and have been given detailed instruction on how this procedure should work (Home Office 2012; see also Sexual Offences Act 2003, ss. 91D). Applicants can only make an appeal after having been on the register for 15 years. If the police turn their application down, the person concerned can appeal the police decision to a magistrates' court. A Freedom of Information Act request by the *Daily Mail* newspaper revealed that the police were allowing roughly 50% of applicants to come off the register (Doyle 2013).

There have been concerns that the police might ask applicants to submit to a polygraph test administered as part of their assessment as part of their determination (Marshall and Thomas 2015). Such a practice might lead to questions about whether the use of the polygraph is being carried out with a true consent having been given.

Non-compliance with the Register

The compliance rate with the register has been consistently high. After just three years of operations, the compliance rate was put at 94% (Plotnikoff and Wolfson 2000: 6), and in 2001, it was reported to have risen to 97% (Home Office/Scottish Executive 2001: 21).

At periodic intervals, there have been news stories about how many people are not complying and what action should be taken against them. A Freedom of Information request from the Press Association in March 2015 revealed that 396 registered sex offenders across the UK were wanted because their whereabouts were unknown; headlines followed (Barrett 2015).

The police believed that many of these missing RSOs had gone abroad:

> A large proportion of the recorded wanted or missing sex offenders are, following investigation, either known or believed to be living abroad or have returned to their country of origin. (NPCC 2015)

At a national level, CEOP has started putting up photographs and details of 'wanted' non-compliers on their website (see Chap. 4). Non-compliance seems to rankle more with critics than the number of offences committed by those who comply with all their registration requirements.

Philip Davies, Conservative MP for Shipley, asked a parliamentary question about the numbers of non-compliers not being sent to prison as a punishment (*Hansard House of Commons 22 Feb 2012: Cols. 850-1 W*). Davies expressed his concern to a tabloid newspaper that many non-compliers got non-custodial sentences:

> These are extremely serious offences committed by persistent, long-standing sex offenders—but they are not going to jail. (quoted in Wilson 2012)

Non-compliance is not the same as committing more sex offences and perhaps of more concern is the numbers who *are* compliant and registered but continuing to commit sexual offences.

Serious Further Offending by Registered Sex Offenders

Recent figures from the Ministry of Justice show a rise in reoffending by registered sexual and violent offenders. In 2010/2011 the figure was 134, but this had risen to 174 in the years 2013–2014 and then risen again to 222 for

2014–2015; the latter increase being a rise of 28%. The increase will be attributable to the overall rise in the numbers of registered sex offenders which inevitably rise every year as the numbers accumulate (MoJ 2015: 17–18).

In 2009, guidance was given to MAPPAs that Serious Case Reviews should be carried out when an offender managed by MAPPA at levels two or three commits a serious further offence. The guidance states that it is 'essential' that the 'activities of the agencies involved is scrutinised and this must be a transparent process' (NOMS 2009: para. 28.1); at the same time, it also states that 'the [SCR] report *must not be widely distributed or published*' (ibid: para. 28.14 emphasis added).

This guidance was updated in 2012. In general terms, the new guidance tells us that one of the criteria for a review is that it is 'in the public interest' (NOMS 2012: para. 20.5). The advice about the report being marked 'Restricted' remains (ibid: para. 20.18) as does the advice that 'the report must not be widely distributed or published' (ibid: para. 20.21).

Restrictive Orders

As part of their offender management role, the police can apply for Restrictive Orders to be placed on sex offenders to prohibit them from engaging in certain activities. These civil orders have evolved over the years from the original Sex Offender Order in 1998. At one time, there were some four such orders ranging from the Sexual Offences Prevention Order, the Foreign Travel Order, the Risk of Sexual Harm Order, and the Notification Order. The orders were all available under the Sexual Offences Act 2003, Part Two, and the police had to apply for them from local magistrates. In 2015, all these orders were consolidated into just two orders—the Sexual Risk Order and the Sexual Harm Prevention Order (Sexual Offences Act 2003, ss. 122A-I).

The Serious Crime Prevention Order was a fifth order available under the Serious Crime Act 2007. In 2013–2014, a total of 3370 Restrictive Orders were placed on sexual offenders (NPCC 2015).

Notification Orders

The Notification Order (NO) is an order that requires a person to be added to the sex offender register if they have just arrived in the country and it is known that they have been convicted for a sex offence in another jurisdiction equivalent to a sexual offence in the UK.

Foreign Travel Orders

The Foreign Travel Order (FTO) has been available to the police on application to the magistrates court and prevents a person travelling abroad to specified countries or, indeed, to anywhere (for more on the FTO see Chap. 5).

Sexual Offences Prevention Orders

The Sexual Offences Prevention Order (SOPO) was also available to the police on application to a magistrates court. The court had to be satisfied that it is 'necessary to make such an order for the purpose of protecting the public, or any particular members of the public from serious sexual harm from the defendant' (Sexual Offences Act 2003, ss. 104–113). The police application can be following a conviction for a sexual offence or as an independent application on someone with old sexual offences but who is now acting 'in such a way as to give reasonable cause that it is necessary for such an order to be made' (Sexual Offences Act 2003,s. 104).

The orders lasted a maximum of five years and breach of the order was an offence. The SOPO can only contain the necessary 'negative' conditions that prohibit certain activities and these need to be clearly stated; it cannot make 'positive' requirements that the subject of the SOPO carry out certain activities.

On Teesside, the Cleveland Police decided to make the wearing of an electronic monitoring unit or tag a condition of a SOPO; Teesside magistrates had agreed. The man asked to wear it appealed to the High Court that this was crossing a line and nobody had been asked to do this before. His counsel put forward three arguments:

(1) the Sexual Offences Act 2003, ss. 104–113, makes no express provision for electronic tagging unlike other statutes that authorise tagging;
(2) prohibitions imposed by SOPOs are meant to be 'negative' in nature but the wearing of an electronic tag is 'positive'; and
(3) it interfered with his right to privacy under the European Convention on Human Rights, Article 8

All three arguments were lost (*Richards, R (on the application of) v. Teesside Magistrates' Court & Anor [2015] EWCA Civ 7 (16 January 2015)*).

Risk of Sexual Harm Orders

The Risk of Sexual Harm Order (RSHO) was aimed at reducing the sexual 'grooming' of children. The word 'grooming' does not appear in the Sexual Offences Act 2003, where the law says only that the police may apply to magistrates for a RSHO on adults:

- Engaged in sexual activity with a child;
- Caused or incited a child to watch a person engaging in sexual activity or look at pornographic films or still images;
- Giving children anything that relates to sexual activity; and
- Making sexual communications with a child (Sexual Offences Act 2003, s. 123(3))

There had to be at least two occasions when this behaviour has been reported and a child is defined as someone under the age of 16; the RSHO had to be considered necessary to protect children—or a particular child—from harm. Critics pointed out that at least two of these criteria (the first two) constituted crimes against children in themselves that could lead to prosecution rather than Restrictive Orders (Craven et al 2006).

Serious Crime Prevention Orders

All of the preceding orders were to be found in the Sexual Offences Act 2003. The Serious Crime Prevention Orders are the exception having been introduced by the Serious Crime Act 2007, ss.1–43. The orders can only be made in the Crown Court following a conviction for a 'serious crime' or in the High Court; the police may be involved but the application in the High Court is made by a CPS officer. In relation to sexual offending, a serious crime' includes such activities as:

- Arranging or facilitating a child sexual offence;
- Causing or inciting sexual exploitation of a child;
- Arranging or facilitating sexual exploitation of a child; and
- Trafficking for sexual exploitation (Serious Crime Act 2007, Schedule 1, paras. 2 and 4)

The orders last a maximum of five years and breach of the order is an offence.

The Sexual Risk Order and the Sexual Harm Prevention Order

The police use of these orders and, in particular, the Sexual Offences Prevention Order, the Foreign Travel Order, and the Risk of Sexual Harm Order became the subject of some criticism. Over the years, not many had been made. As Table 6.1 shows the actual figures on FTOs, for example, were fairly static.

The Association of Chief Officers of Police (ACPO) Child Protection and Abuse Investigation Working Group commissioned a report to highlight deficiencies in the existing regime of civil orders and to make proposals for change. The resulting Davies Report was published 15 May 2013 (Davies 2013).

In parliament, Nicola Blackwood, MP, asserted that this was an 'independent' report 'written independently by Hugh Davies QC and a team of experts' (*Hansard House of Commons Debates 14 Oct 2013 col. 482*). In fact, this 'independent' team consisted of two serving police officers, an Operations Manager at CEOP, a Border Force member of staff and Christine Beddoe from ECPAT UK. Davies himself was an existing member of the ACPO Child Protection Executive Board.

The Davies Report focused on the travelling sex offender and the infrequent use of the FTO and how the regime was overcomplicated for police officers and in need of simplification, but the outcome changed all the Restrictive Orders available under the Sexual Offences Act 2003. These orders have now been replaced and consolidated into two new orders—the Sexual Risk Order and the Sexual Harm Prevention Order by the Anti-Social Behaviour, Crime and Policing Act 2014 inserting new ss. 103A-K and 122A-K into the Sexual Offences Act 2003. The two new orders became available from 8 March 2015, when the old orders were repealed (Thomas and Thompson 2014).

Table 6.1 Foreign Travel Orders (FTOs) made

	FTOs made
2006–07	3
2007–08	1
2008–09	12
2009–10	15
2010–11	22
2011–12	14
2012–13	13

(MoJ 2013:13)

References

ACPO (Association of Chief Police Officers). (1997). *Sex Offenders Act 1997: Implementation guidelines*. London: ACPO.

ACPO (Association of Chief Police Officers). (1999). *Sex offenders: A risk assessment model*. London: ACPO.

Barrett, D. (2015). Hundreds of sex offenders on the run in the UK. *Daily Telegraph*, 10 March.

Bowcott, O. (2014). Lie detector tests introduced to monitor released sex offenders. *The Guardian*, 8 August.

CJJI (Criminal Justice Joint Inspection). (2011). *Putting the pieces together: An inspection of multi agency public protection arrangements*. London: HMIP/HMIC.

CJJI (Criminal Justice Joint Inspection). (2015). *A follow-up inspection of Multi-Agency Public Protection Arrangements*. London: HMIP/HMIC.

College of Policing. (2015). Managing sexual offenders and violent offenders [Internet].https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/managing-sexual-offenders-and-violent-offenders/. Accessed 06 Dec 2015.

Craven, S., Brown, S., & Gilchrist, E. (2006). Sexual grooming of children: Review of literature and theoretical considerations. *Journal of Sexual Aggression, 3*(12), 287–299.

Davies Report. (2013, May 15). *Civil prevention orders Sexual Offences Act 2003: ACPO commissioned review of the existing statutory scheme and recommendations for reform*. London: ACPO. http://www.ecpat.org.uk/sites/default/files/the_davies_review.pdf. Accessed 20 Nov 2015.

Doyle, J. (2013). Child rapists taken off Sex Offenders' Register in secret … and police say it is to protect their human rights. *Mail Online*, 6 May. http://www.dailymail.co.uk/news/article-2320483/Child-rapists-taken-Sex-Offenders-Register-secret--police-say-protect-human-rights.html. Accessed 26 Oct 2013.

Helmus, L., Babchishin, K. M., & Hanson, K. (2013). The predictive accuracy of the Risk Matrix 2000: A meta-analysis. *Sexual Offender Treatment.org*. http://www.sexual-offender-treatment.org/125.html. Accessed 20 Nov 2015.

Hertfordshire Police. (2014). Next phase of using polygraph testing in Hertfordshire (press release), 27 May.

HMIP/HMIC (HM Inspectorate of Probation/HM Inspectorate of Constabulary). (2005). *Managing sex offenders in the community: A joint inspection*. London: Home Office.

Home Office. (1996). *On the record; The government's proposals for access to criminal records for employment and related purposes in England and Wales* (Cm. 3308). London: HMSO.

Home Office. (1997). *Sex Offenders Act 1997* (circular 39/1997), London: HMSO.

Home Office. (2007). *Power of search and entry to risk assess sex offenders subject to the notification requirements* (circular 017/2007). London: HMSO.
Home Office. (2012). *Guidance on review of indefinite notification requirements issued under section 91F of the Sexual Offences Act 2003*. London: Home Office.
Home Office/Scottish Executive. (2001). *Consultation paper on the review of part 1 of the Sex Offenders Act 1997*. London/Edinburgh: Home Office/Scottish Executive.
Hudson, K., & Henley, A. (2015). Disparities in public protection measures against sexual offending in England and Wales: An example of preventative injustice? *Criminology and Criminal Justice, 15*(5), 561–577.
IPCC (Independent Police Complaints Commission). (2009). Managing sex offenders. *IPCC Bulletin*. London: IPCC.
IPCC (Independent Police Complaints Commission). (2011). IPCC finds organisational failings in Merseyside Police monitoring of sex offender Peter Chapman (press release), 24 August.
Maguire, M., Kemshall, H., Noaks, L., Wincup, E., & Sharpe, K. (2001). *Risk management of sexual and violent offenders: The work of public protection panels* (Police Research Series Paper, Vol. 139). London: Home Office.
Marshall, D., & Thomas, T. (2015). Polygraphs and sex offenders: The truth is out there. *Probation Journal, 62*(2), 128–139.
McNaughton Nicholls, C., & Webster, S. (2014). *Sex offender management and dynamic risk: Pilot evaluation of the Active Risk Management System (ARMS)* (Ministry of Justice Analytical Series 2014). London: NOMS (National Offender Management Service).
MoJ (Ministry of Justice). (2013). *Simple cautions for adult offenders*. London: MoJ.
MoJ (Ministry of Justice). (2015, October 29). *Multi-agency public protection arrangements annual report 2014/5*. London: MoJ.
Nash, M. (2014). 'Scum cuddlers': Police offender managers and the sex offender register in England and Wales. *Policing and Society*. doi:10.1080/10439463.
NCA (National Crime Agency). (2014). UK-wide operation snares 660 suspected paedophiles (press release), 16 July. London: NCA.
NOMS (National Offender Management Service). (2007). *MAPPA guidance 2012 version 2*. London: Ministry of Justice.
NOMS (National Offender Management Service). (2009). *MAPPA guidance 2009 version 3*. London: Ministry of Justice.
NOMS (National Offender Management Service). (2012). *MAPPA guidance 2012 version 4*. London: Ministry of Justice.
NPCC (National Police Chief's Council). (2015). UK has some of the most effective tools in the world to manage sex offenders (press release), 10 March.
Plotnikoff, J., & Woolfson, R. (2000). *Where are they now? An evaluation of sex offender registration in England and Wales* (Police research series paper, Vol. 126). London: Home Office.

Thomas, T., & Thompson, D. (2014). New civil orders to contain sexually harmful behaviour in the community. *British Journal of Community Justice, 12*(3), 19–33.

Thomas, T., Thompson, D., & Karstedt, S. (2014). *Assessing the impact of circles of support and accountability on the reintegration of adults convicted of sexual offences in the community—Final report COSA*. University of Leeds. http://www.law.leeds.ac.uk/assets/files/research/ccjs/CoSA/CoSA-Full-Report.pdf. Accessed 19 Nov 2015.

Waugh, R. (2015). One in five sex offenders fail Yorkshire police force's lie detector tests. *Yorkshire Post*, 31 August.

Whitehead, T. (2009). Home visits for high risk sex offenders cut. *Daily Telegraph*, 27 May.

Wilson, G. (2012). Serial paedos let off with soft sentences, reveals Tory MP. *The Sun*, 2 April.

CHAPTER 7

The Police Collection and Dissemination of Information on Sexual Offenders

Abstract The police collate and use information on sex offenders to assist their investigatory role and their offender management role. That information has sometimes been categorised as 'hard' and 'soft' information, where 'hard' means the verifiable criminal conviction records and 'soft' means the other information they hold in the form of 'police intelligence'. The former is held on the Police National Computer (PNC) and the latter on such systems as the Police National Database (PND) or the Visor system. Both forms of information may be released by the police to employers screening would-be workers with children or vulnerable adults and sometimes also to individual members of the public.

Keywords Criminal records • Police intelligence • Non-conviction information • Community notification

It is a cliché that 'information' is the life-blood of policing. As part of their work, the police are routinely collecting information on people suspected or convicted of any criminal activity. This information is sometimes referred to as 'hard' and 'soft' information. Hard information being that which is verifiable, such as criminal records decided by a court, and soft information that which is more speculative, like police intelligence they have gathered or has been passed to them.

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As the police moved into their 'public protection' role as custodians of the sex offender register and became risk assessors and managers of sex offenders, they started to collate ever more amounts of information on the convicted and 'known' sex offender as well as the suspected sex offender. This chapter considers the police collection and dissemination of 'hard' and 'soft' information on sex offenders and, in particular, how it is given to employers to help them make better recruitment and selection decisions, to prevent unsuitable people working with children and vulnerable adults, and how it is given to individual members of the public to help them better protect their children.

'Hard' Police Information Collected on Sex Offenders

The police hold 'hard' information on sex offenders is various forms. The most important is the record of previous convictions committed by people. The UK's national collection of criminal records on all offenders, including sex offenders, was once held on card index systems at the Metropolitan Police HQ in London and is now, since 1995, held on the Police National Computer (PNC). Photographs, fingerprints, and DNA samples are held in similar systems.

Police National Computer (PNC)

The Police National Computer originated in 1974, when it commenced work from its Hendon HQ in North London. Today, it links together all 43 police forces in England and Wales, Police Scotland, and the Police Service in Northern Ireland (Home Office 2014). For present purposes, it is the national collection of criminal records that most concerns us.

Criminal records have been collated nationally by the police since Victorian times (Register of Habitual Criminals Act 1869) and from the national Criminal Record Office (CRO) at Scotland Yard since 1913.

In pre-computer days, the accuracy of the national criminal record collection was from time to time called into account. The main problem appeared to be that the police as 'owners' of the information reserved the right to be the ones who entered all the new information on to the national criminal record collection. The criminal records were more 'owned' by the courts that made the convictions and gave the sentences, but the courts had to pass all this information to the police for entry.

Police officers often gave this work of entering new records a low priority, and a time gap opened up between dates of convictions in courts and dates of being added to the national record. The result was that the records were never as up to date and as accurate as they could be. A House of Commons Select Committee heard evidence that as many as '30,000 records were still incomplete after two and a half years' (House of Commons 1990: para. 7). A follow up Home Office efficiency scrutiny confirmed the picture that 'by the standards of what is technologically feasible today the present record system is in a very unsatisfactory state' (Home Office 1991 para. 19). Computerisation was the answer, alongside more regular audits by HM Inspectorate of Constabulary.

The entry of the national collection of criminal records on to the PNC was officially completed in 1995, although in practice they were still being entered for a few more years after that, in what was referred to as the Back Record Conversion exercise.

The PNC now enables police officers to see in real time if an individual has a criminal record and what that record is. It holds the 'nominal records' of some 9.7 million people. Sexual offenders have Information Markers against their names to indicate that they are on the sex offender register or on the ViSOR system (for more on the register and ViSOR see below); the Markers are SO (Sexual Offender) and VS (ViSOR Subject). Software known as QUEST (Query Using Extended Search Techniques) enables more sophisticated searches to be made of the PNC criminal records database (Orr-Munro 2001).

'Soft' Police Information Collected on Sex Offenders

The police have always collected 'soft' information on people. The *Police Gazette* started in 1839 was an early way of circulating such information between the police forces of the UK if they were looking for certain people or particular items that had been stolen.

In the 1960s and 70s, police officers were designated as 'collators' to locally organise information files. 'Collators' were somewhat marginal to mainstream policing and sometimes their work was clumsy and amateurish. When it came to sex offenders, it was reported that 'in one collator's office … there was a file marked 'cows, queers and flashers' (Campbell 1980: 129).

By the late 1990s, modern policing was to become intelligence-led policing based on the burgeoning use of computers and as part of the

digital age. 'Collators' became Force Intelligence Officers, and Force Intelligence Bureaus (FIB) were to be the focal points of the new policing. It was the FIBs job to collate the intelligence and use it in the most productive way to fight crime. A National Intelligence Model (NIM) was developed by the police themselves to help them make a more professional use of this 'soft' information with the general aim being to ultimately turn this intelligence data into evidence that might be used in court for prosecutions; the NIM was to become the 'cornerstone' of modern operational policing (Home Office 2004: para. 5.16; see also Home Office 2005a).

Police National Database (PND)

The Police National Database (PND) could be described as a complementary system holding 'soft' information to the Police National Computer holding 'hard' information. The idea for the PND arose after 'soft' information held by Humberside Police was not properly shared with Cambridgeshire Constabulary.

The Soham murders when two 12-year-old girls were killed by Ian Huntley in Cambridgeshire caused national headlines throughout the summer of 2002. 'Soft' information had been held on Huntley by the Humberside Police that concerned a series of allegations of sexual offending that had not resulted in a court appearance. When Huntley moved to Cambridgeshire and applied for work as a school caretaker, this information held in Humberside should have been shared with the Cambridgeshire Constabulary to form part of Huntley's formal vetting for the job. In fact, it had been 'lost' and had not been shared with Cambridgeshire or his future employers.

Although Huntley had not met his victims through his work, an inquiry was mounted to find out what had gone wrong. The resulting Bichard Inquiry report recommended that a national computerised system be created to link all police forces and enable them to better share intelligence and 'soft' information (Bichard Inquiry 2004 Recommendation 1). An interim system was started in 2005 called IMPACT (Information Management, Prioritisation, Analysis Coordination and Tasking) (*Hansard House of Commons Debates 19 April 2006 cols. 17WS-19WS*), but in due course this became the new Police National Database which officially went live on 7 May 2010.

ViSOR

ViSOR is a national police database started in 2005 that was originally of information specifically on sexual offenders and violent offenders (Home Office 2005b). Later it was expanded to record information on some non-convicted subjects (known as potentially dangerous persons) and terrorist offenders; to start with ViSOR was an abbreviation for Violent and Sex Offender Register, but is now just a title in itself.

The police had the sole use of ViSOR in the early days but, since June 2008, it has been fully operational allowing key staff from the Probation and Prison Services—the three MAPPA responsible authorities—to have access to it. In practice, however, it is still largely a police database with the other two authorities hardly using it at all (CJJI 2015: paras. 5.32–5.33). All information on ViSOR is assessed as confidential (Home Office et al. 2013).

Information Dissemination to Employers

The police have to make both 'hard' and 'soft' information available to certain employers to help them make their selection and recruitment decisions on new employees. These arrangements can be traced back to 1986, and in those early days, the arrangements were informally referred to as 'the police check'. Designated employers were able to contact their local police force for disclosures of information on people being considered for work. The designated employers were mostly local authorities appointing teachers, childcare workers, and social workers, and health authorities appointing nurses who would have long term contact with children.

This information was to be both 'hard' information held by the police (criminal conviction records) and 'soft' information in the form of relevant police intelligence (Home Office 1986). Each force had to provide staff to take criminal records off the Police National Computer and pass them to the local employers. All conviction records were passed through regardless of their nature. The police did not see it as their job to decide whether some convictions were more or less relevant to the job being sought; that was for the employer to decide.

The police also had to make a search of their 'intelligence' files to see if there was any 'soft' information that should be added to the 'hard' information from the criminal records files. This did require the police to make

a decision on what was relevant or not. The package of information was then passed on to the local employer.

As employers noted the adverse public reaction and the bad headlines they got if selection was wrong they became ever more cautious in their decision making to ensure the protection of children. The definition of what posts should be screened began to slowly widen. The service provided by the police was free at the point of service and there appeared to be no limiting boundaries. The amount of work involved started to mount up and was described as a 'substantial and growing burden on the police' (Home Office 1993: 3).

The decision was made to take this work off the police (Home Office 1996), and the Police Act 1997 led to an end to this localised 'free' system and the introduction of a new national agency—the Criminal Records Bureau (CRB)—that would liaise with employers across the country from a central point in Liverpool. The CRB would have a direct online link to the Police National Computer to access the national collection of criminal records and employers would in future have to pay for each disclosure they requested. The CRB started work in March 2002.

The police were no doubt grateful to have been relieved of this disclosure work, but they retained a small part of the process. The police at local level still had responsibility for finding 'soft' 'non-conviction information' and intelligence for the CRB to add into their package for the employer alongside the 'hard' criminal records. This other information was now referred to as 'additional' or 'approved' information. The Police Act, s. 115 (7), described it as being information that 'might be relevant'.

Deciding What Was Relevant Non-conviction Information

The police experienced some difficulty in deciding what was considered relevant or non-relevant non-conviction information. One job applicant who lost a job based on non-conviction information challenged the police in the courts. The High Court agreed with him that the police were being over-zealous and suggested they think about the applicant and his future as much as about the protection of the public (*R (X) v Chief Constable of the West Midlands Police [2005] 1 All ER 610 Court of Appeal*); on appeal, however, the Court of Appeal backed the police (*R (X) v Chief Constable of the West Midlands Police and another [2005] 1 All ER 610 Court of Appeal*).

The Home Office provided circular guidance to the police on the disclosing of 'non-conviction information'. The circular established a set of key principles that the police should follow that included making the decision to disclose carefully and at an appropriate senior level, recording the decisions, and their rationale even if the decision was not to disclose, so that the decision could be 'defensible' and ensuring that the information was reasonably current. The information had to be relevant to the purpose for which the disclosure was being sought, which arguably required the police to have a reasonable understanding of, for example, different work situations involving children (Home Office 2005c).

Appeals to the courts that the police had got it wrong continued; the question remained one of balancing the impact on the job applicant with the interests of the people he or she might be working with. The very nature of non-conviction information made this a difficult decision. Having been emphatic about not deciding which 'hard' criminal records to disclose or withhold, the police had somehow got landed with the far more difficult decision as to which 'soft' information should be disclosed or withheld.

In general terms, the courts have gradually moved from a position of supporting employers and safeguarding children and vulnerable people (*R (X) v Chief Constable of the West Midlands Police [2005] 1 All ER 610 Court of Appeal*) to a position that realises the potential damage being done to people's careers and work prospects (see e.g. *R (L) v Commissioner of Police of the Metropolis [2009] UKSC 3*).

The Coalition government elected in May 2010 declared they would 'scale [vetting] back to common sense levels' (HMG 2010: 10) and the Home Secretary commissioned an independent report on the whole regime of criminal record and related information disclosure by the police. This resulting *Mason Report* was published in early 2011 (Mason Report 2011).

The Mason report reaffirmed the need for the police to be able to disclose 'soft' information, but questioned just what the phrase 'might be relevant' in the Police Act 1997 actually meant; the report suggested the phrase had left open the possibility that, in some cases, the information disclosed was not actually relevant or proportionate. A simplified system was recommended as well as 'a real need for a fair, transparent and independent process to challenge the information disclosed' (ibid: 32).

A 'package' of amendments was recommended that included:

- a new test to be conducted by Chief Officers to make disclosure decisions, and the law amended from 'might be relevant' to 'reasonably believes to be relevant';
- the development of a statutory code of practice for police to use when deciding what information should be disclosed;
- the development and use of a common template to ensure that a consistent level of information is disclosed to the individual with clearly set out reasons for that decision.

The Statutory Disclosure Guidance

The Protection of Freedoms Act 2012, Part 5 (Chap. 2), introduced a number of changes to the criminal record disclosure arrangements. Amongst them were the changes recommended for a change in terminology from 'might be relevant' to 'reasonably believes might be relevant' in the Police Act 1997 and for a new statutory guide produced for police to follow (Protection of Freedoms Act 2012, s. 82).

The Home Office *Statutory Disclosure Guidance* appeared in July 2012 (Home Office 2012a). The police were to apply a series of eight principles to their decision making:

Principle 1—There should be no presumption either in favour of or against providing a specific item or category of information.

Principle 2—Information must only be provided if the chief officer reasonably believes it to be relevant for the prescribed purpose. It should not be disclosed on the basis that, although there is no apparent reason to believe that it is relevant, it could conceivably turn out to be. Information should be viewed as sufficiently serious, sufficiently current, and sufficiently credible.

Principle 3—Information should only be provided if, in the chief police officer's opinion, it ought to be included in the certificate. The impact of disclosure on the private life of the applicant was to be considered in the context of the European Convention on Human Rights Article 8—the right to privacy.

All decisions must be proportionate. This means that the decision is no more than necessary to achieve the legitimate aim and that it strikes a fair balance between the rights of the applicant and the rights of those

the disclosure is intended to protect. It is therefore essential that the reasoning in reaching a decision is fully and accurately recorded in each case.

Principle 4—The chief officer should consider whether the applicant should be afforded the opportunity to make representations.

Principle 5—There should be a sufficient and clear audit trail to record the decision making process and support quality control.

Principle 6—Decisions should be made in a timely manner with no unnecessary delays.

Principle 7—Information for inclusion should be provided in a meaningful and consistent manner, with the reasons for disclosure clearly set out.

Principle 8—Any delegation of the chief officer's responsibilities should be appropriate and fully documented (Home Office 2012b).

The Code states that on its own, information relating to physical health or mental health is unlikely to be appropriate for disclosure (Home Office 2012b). This had followed concerns about some police forces disclosing information about people's mental health when, for example, they have been detained by police under the Mental Health Act 1983, s. 136. That such information was later an item of 'non-conviction information' to be disclosed to employers had been seen as possibly discriminatory (see Hansen 2007; Campbell 2011); a second edition of Home Office *Statutory Disclosure Guidance* emphasised the need for a careful examination of this health information before any disclosure (Home Office 2015).

Police Information Dissemination to Members of the Public

Apart from disseminating information to employers, the police can also disseminate information on sexual offenders to certain members of the public. In the USA, policies of 'community notification' started in the mid-1990s allowed the police to routinely tell neighbourhood's about the presence of people living amongst them with convictions for sexual offences. These statutory arrangements were often referred to as 'Megan's Law' after six-year-old Megan Kanka from New Jersey who was sexually assaulted and murdered by a man living in the same street as her and who was known to the authorities to have convictions for sexual offences but was not known to the residents. The individual States have all devised their own versions of Megan's Law within the frameworks set down by the Federal Laws (see Logan 2009).

The UK has never adopted policies of universal 'community notification', despite periodic calls for the policy to be introduced here. The parliamentary discussions on the Sex Offender Bill back in 1997 had considered such policies but did not pursue them. Alun Michael for the opposition concluded that 'we may learn some lessons from the United States [but] … our culture, law, police service and other services are different' (*Hansard House of Commons Debates, Standing Committee D, 4 February 1997, col. 58*).

The *News of the World* 'For Sarah' campaign in the summer of 2000 called for a form of 'community notification' for the UK under the headline 'Name and Shame'. The police had to deal with the vigilantism and demonstrations that followed and the Home Office refused to countenance the idea (Travis 2000).

The UK prefers the more 'selective' or controlled approach to police giving information on sex offenders to the public in contrast to the 'universal' approach of the USA. The 'selective' approach allows the police to give information to certain individuals to know about another person's history of sexual offending if they or any children they care for may be at risk of sexual abuse. It falls to the police to decide whether or not to pass out this information.

There are now generally held to be five ways in which such disclosures can take place on sexual offenders:

(1) The Common Law allows the police to disclose information for the purposes of crime prevention or alerting members of the public to apprehended dangers; this was tested in a case in North Wales where two people with criminal records for offences against children had that information disclosed to their neighbours by the police and sought a review of the police's decision. The court ruled that the police actions were acceptable if the people concerned posed a risk to children and other people but that this should not become a blanket policy (*R v Chief Constable of North Wales ex p Thorpe [1999] QB396*).
(2) The Multi-Agency Public Protection Arrangements instituted to improve partnership working between the police, probation, and prisons when it came to 'managing' dangerous offenders in the community (see Chap. 6) became the source of another form of disclosure to the public. NOMS guidance to the MAPPA agencies includes guidance that 'the disclosure of information' to third parties' is a useful

'restrictive intervention' to reduce opportunities for harmful behaviour (NOMS 2012: para.12.22); since 2008, the MAPPA agencies are legally obliged to have regard to this guidance (Criminal Justice Act 2003, s. 325 (8A))

(3) The Criminal Justice Act 2003, s. 327A, requires an even more proactive approach from the police. The Act places a duty on the police—or any other 'responsible authority' within MAPPA—to consider disclosing information to the public. This 'presumption of disclosure' applies when the police believe that (a) a child sex offender managed by it poses a risk of causing serious harm to any particular child or children or to children of any particular description, and (b) the disclosure of information about the relevant previous convictions of the offender to the particular member of the public is necessary for the purpose of protecting the particular child or children, from serious harm caused by the offender.

(4) The Child Sex Offender Disclosure Scheme (Sarah's Law)

The Child Sex Offender Disclosure Scheme means a parent or guardian can ask police if anything is known about a person who has contact with their children. The Scheme was introduced in 2011 following the campaigning of Sara Payne, the mother of Sarah. Her daughter was found in a field near Pulborough, West Sussex, after she was sexually assaulted and killed in July 2000. The Child Sex Offender Disclosure Scheme is sometimes referred to as 'Sarah's Law' even though it is not actually a law at all—just an administrative arrangement (Home Office 2010).

It is reported that some 4754 applications to the police had been made by 2013 with as many as 700 child sex offenders having been identified by the Child Sex Offender Disclosure Scheme (BBC News 2013).

(5) The Domestic Violence Disclosure Scheme (Clare's Law)

The Domestic Violence Disclosure Scheme is a similar arrangement to the Child Sex Offender Disclosure Scheme and, on application, allows the police to disclose information on a person's violent background; the scheme started from March 2014. It is sometimes named 'Clare's Law' after Clare Wood who was killed by a man she knew little about but who had a history of violence, including sexual violence; as with 'Sarah's Law' it is not actually a law at all—just an administrative arrangement (Home Office 2013).

These schemes to disseminate police held information have had some impact. Researchers have found that the take-up was not always as extensive as they thought it was going to be. In July 2009, Cambridgeshire and Hampshire police forces launched radio campaigns encouraging people to check the background of anyone they think behaves oddly around children. Members of the public could contact police and check whether an individual is on the Violent and Sex Offenders Register (BBC News 2009).

References

BBC Newsbeat (Radio 1). (2009, July 9). Ads encourage paedophile checks. Available at http://news.bbc.co.uk/newsbeat/hi/the_p_word/newsid_8142000/8142148.stm. Accessed 20 Nov 2015.

BBC News. (2013, December 23). 'Sarah's Law' sees 700 paedophiles identified. Available at http://www.bbc.co.uk/news/uk-25489541. Accessed 20 Nov 2015.

Bichard Inquiry. (2004). *Report, HC 653*. London: The Stationery Office.

Campbell, D. (1980). Society under surveillance. In P. Hain (Ed.), *Policing the police* (Vol. 2). London: John Calder.

Hansen, L. K. (2007). Legislative discrimination against people with mental health problems (correspondence). *Psychiatric Bulletin, 31*, 33.

HMG (HM Government). (2010). The coalition: Our programme for government. London: Cabinet Office.

Home Office. (1986). *Police reports of convictions and related information* (circular no. 54/1986) London: HMSO.

Home Office. (1991). *The national collection of criminal records: Report of an efficiency scrutiny*. London: HMSO.

Home Office. (1993). *Disclosure of criminal records for employment vetting purposes: A consultation paper* (Cm. 2319). London: HMSO.

Home Office. (2004). *Building communities, beating crime: A better police service for the 21st. century* (Cm. 6360). London: HMSO.

Home Office. (2005a). National intelligence model: Code of practice, National Centre for Policing Excellence. London: Home Office.

Home Office. (2005b). ViSOR: Protecting the public from dangerous offenders (press release) 19 August.

Home Office. (2005c). *Criminal Records Bureau: Local checks by police forces for the purpose of enhanced disclosures* (circular no. 5/2005). London: HMSO.

Home Office. (2010). The child sex offender (CSO) disclosure scheme (circular 007/2010).

Home Office. (2012a). *Guidance on review of indefinite notification requirements issued under section 91F of the Sexual Offences Act 2003*. London: Home Office.
Home Office. (2012b). *Statutory disclosure guidance*. London: Home Office.
Home Office. (2013, November 25). Clare's Law to become a national scheme, (press release).
Home Office. (2014). Police National Computer (PNC)—version 5.0. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275136/PNC.pdf. Accessed 19 Nov 2015.
Home Office. (2015). *Statutory disclosure guidance* (2nd ed.). London: Home Office.
House of Commons. (1990). *Criminal records*, Third report of the Home Affairs Committee (Session 1989–90) HC285. London: HMSO.
Logan, W. (2009). *Knowledge as power: Criminal registration and community notification laws in America*. Stanford: Stanford University Press.
Mason Report. (2011). *A common sense approach: A review of the criminal records regime in England and Wales—Phase 1*. London: Home Office.
NOMS (National Offender Management Service). (2012). *MAPPA guidance 2012 version 4*. London: Ministry of Justice.
Orr-Munro, T. (2001). Quest for data. *Police Review*, 22 March.
Travis, A. (2000). Home Office dismisses 'Sarah's Law' call to name abusers. *The Guardian*, 7 August.

CHAPTER 8

Conclusions

Abstracts The police tread a difficult line between complainants and defendants in cases of sexual offending. They have to cope with the changing landscape of what is permissible and impermissible sexual conduct in the twenty-first century and what new digital technologies are now available that may facilitate sexual offending. They may have written policies and guidance to assist them in this work, but they will still have room for discretion as police officers in their decision making.

Keywords Police officers • Decision making • Digital technologies

Sexual offending has become high profile and complex work for the police. Just 50 years ago, things seemed so much simpler. The main sexual offences then were homosexual activities which were still illegal as the government prevaricated over the recommendations of the Wolfenden Report 1957 that had recommended de-criminalisation. The Sexual Offences Act 1967 eventually made the break-through for adults over 21 who acted in private.

It has been said that the 1967 Act having made the beachhead allowed the 'gay community' to flood through with all its different sub-categories and identities. These included 'trans-genders', sadomasochists (S&M), fetishists, bisexuals, transvestites, and paedophiles, 'all clamouring for their

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right of self-expression and legitimacy with varying degrees of successful recognition' (Weeks 1981:79). The paedophiles even had their own campaign group that was closed down only in 1985 (BBC News 2014).

Today the picture is less clear cut and what is and is not a sexual offence is the subject of recurring debate. Apart from changing attitudes, there is the advent of the internet and the digital age both said to have facilitated the production and dissemination of child abuse images.

Technology and changing attitudes come together in the activities of teenagers who engage in 'sexting'—the sending of graphic personal photographs to each other. Is this now a normal sexual activity for young people today using digital technology that an older generation should get used to? Or is this the dissemination of child pornography that should be prosecuted and the perpetrators have their names put on the sex offender register? The politicians have to grapple with these new definitions, such as the new laws on so-called revenge porn and the law that changes the term 'child prostitution' to 'child sexual exploitation'.

The police must also grapple with these new definitions and be aware of the more fluid and changing landscape. Sometimes that has not been easy.

A former Deputy Assistant Commissioner of the Metropolitan Police recalls a TV documentary being made by Channel 4 on the work of the specialist Sexual Offences Investigation Officers (SOITs) in his force. Looking at previews of the film before broadcast, he noticed that behind a police officer talking to camera 'on the wall of the CID office…[was] a calendar of a woman with exposed breasts'; no one else had noticed it. Channel 4 agreed to pixilate the image (Paddick 2008: 148–9). An innocent 'mistake' by the police or a failure to keep up with the changing times?

Other examples might be cited where the police have been out of touch with current sensibilities and had to have their mistakes pointed out to them. The West Mercia police covering the Herefordshire, Shropshire, and Worcestershire area put out posters warning women not to 'let a night full of promise turn into a morning full of regret' by getting so drunk that their night ends in 'regretful sex or even rape'; the criticism they received led to an apology (Dolan 2012).

Nottinghamshire Police also apologised for a poem about sexual predators they published in 2012, which they considered acceptable as a warning (Pearce 2013; the poem could still be accessed three years later at: https://www.nottinghamshire.police.uk/sites/default/files/Poem.pdf accessed 30 November 2015). Sussex police apologised when they put out yet another poster that seemed to blame the victims (Gander 2015)

and Merseyside police had to apologise when their communications office put out inappropriate light hearted 'tweets' about rape (Rawlinson 2015). Each time it is as though the police have not seen the problem coming, and are reliant on others to put them right, at which point they express regret and surprise and issue formal apologies.

Sometimes the police have swung the other way and been too zealous. The writer Will Self has described how the police interrupted his walk in the countryside with his 11-year-old son because of reported concerns that the child might be at some kind of risk. Self concluded:

> From the quintessence of a blamelessly British pursuit to an invitation to step inside a squad car, complete with WPC specially selected in case my boy had to be taken into protective custody, all following a 'tip-off' from a high-vis jacketed private security guard; can there be a more disturbing parable of the Britain we have become? (Self 2013)

Others have balked at the high visibility police interventions:

> Everyone will have seen on TV the processions of grim-jawed gendarmes in white forensic suits carting away computers, houses surrounded with cars and vans with flashing lights, the hovering helicopters, the self-righteous officers enjoying their fame as they trawl for 'victims' and promising such persons—as they have no right to do—that 'You will be believed. We will support you'… (Hitchen 2015)

If these are examples of over-zealous policing, there are still lots of examples of police deficiencies when it comes to policing sexual offending. Sometimes there is good intent that is undermined by clumsy implementation. Policies exist but police officers were not always following them. The Jay Report into child sexual exploitation in Rotherham noted that:

> The Police had excellent procedures from 1998, but in practice these appear to have been widely disregarded. Certainly there is evidence that police officers on the ground in the 1990s and well beyond displayed attitudes that conveyed a lack of understanding of the problem of CSE and the nature of grooming. We have already seen that children as young as 11 were deemed to be having consensual sexual intercourse when in fact they were being raped and abused by adults. (Jay Report 2014: paras. 8.1 and 8.2)

The attitudes of individual officers may represent the attitudes and a culture still widely found in some communities but does this make them

acceptable in the sensitive situations that arise in cases of sexual offending? Conversely, has the pendulum swung too far the other way, making police officers too 'believing' and not having a sufficiently 'open mind'?

At a national level, positive statements may be made. The Police Reform and Social Responsibility Act 2011,s. 77, introduced the idea of the Strategic Policing Requirement (SPR). The SPR was to be set by politicians to ensure that when threats and harms to public safety assume national dimensions, the police can deliver an appropriately robust, national response. 'Threats and harms to public safety' were assumed to be that posed by terrorism, public disorder, organised crime, and other threats to national security. In March 2015, child sexual abuse was given the status of a national threat in the Strategic Policing Requirement:

> Child sexual abuse [CSA], whilst this is not a threat to national security as identified in the NSS [National Security Strategy], it is a threat of national importance. Its potential magnitude and impact necessitate a cohesive, consistent, national effort to ensure police and partners can safeguard children from harm. CSA covers actions that entail forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities; encouraging children to behave in sexually inappropriate ways; or grooming children in preparation for abuse (including via the internet).

Child sexual exploitation offences that are attributed to serious and organised crime, including those which take place online, will continue to be captured under the existing serious and organised crime threat in the SPR (Home Office 2015h: paras. 2.1-2).

On the new police offender management roles based on the sex offender register, senior politicians know that there are no excuses for getting child protection wrong, which is perhaps why they are constantly telling us that we have 'the best systems in the world':

> [former Home Secretary, Jaqui Smith] emphasised that the UK's rigorous system for managing child sex offenders is already amongst *the toughest in the world*. 'The changes I am announcing today will strengthen that even further' (Home Office 2008 emphasis added)
>
> [Home Office Minister, James Brokenshire] The UK has one of *the most robust systems for managing sex offenders in the world* (Hansard House of Commons, 9 June 2010, PQ 1455 emphasis added)

> [former Home Office Minister, Lynne Featherstone] '(we have) *one of the most rigorous and robust approaches to sex offender management in the world'*. (Hansard House of Commons, 19 June 2012, Eighth Delegated Legislation Committee col. 4 emphasis added)

Current Home Secretary, Theresa May, has adopted the same position:

> The UK already has *one of the strictest systems for managing known sex offenders in the world* (Home Office 2011 emphasis added).

And for the police, Michelle Skeer, the National Policing Lead for the Management of Sexual Offenders and Violent Offenders. takes the same line albeit with realistic qualifications:

> *The UK has some of the most effective tools in the world to manage RSO's.* While the reality is that the risks posed to the public by such individuals can never be completely eliminated, there is significant evidence that the multi-agency public protection arrangements (MAPPA) successfully keeps them to a minimum (NPCC 2015 emphasis added)

For all of this 'best in world' confidence to be actually true we need, perhaps, to close the gap between polices on paper (see e.g. College of Policing 2015a, b, c) and policies in action.

References

BBC News. (2014, February 27). How did the pro-paedophile group PIE exist openly for 10 years? Available at http://www.bbc.co.uk/news/magazine-26352378. Accessed 20 Nov 2014.

College of Policing. (2015a). Responding to child sexual exploitation [Internet]. https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-sexual-exploitation/. Accessed 06 Dec 2015.

College of Policing. (2015b). Schengen Information System (second generation) SISII [Internet]. https://www.app.college.police.uk/app-content/investigations/european-investigations/schengen-information-system/. Accessed 06 Dec 2015.

College of Policing. (2015c). Managing sexual offenders and violent offenders [Internet]. https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/managing-sexual-offenders-and-violent-offenders/. Accessed 06 Dec 2015.

Dolan, A. (2012). Fury as police anti-drinking campaign suggests drunk women are to blame for rape. *Daily Mail*, 3 August.

Gander, K. (2015). Sussex pulls sexual offence prevention poster amid accusations of victim blaming. *The Independent*, 10 April.
Hitchen, P. (2015). We smugly boast of Magna Carta … while all it stands for is being trampled. *Mail on Sunday*, 22 March.
Home Office. (2008). Tightening rules for sex offenders (press release), 20 August.
Home Office. (2011). Greater protection for children as sex offender disclosure scheme goes national (press release), 27 March.
Home Office. (2015) *The strategic policing requirement*. London: Home Office.
Jay Report. (2014). *Independent inquiry into child sexual exploitation in Rotherham 1997–2013*. Rotherham: Rotherham MBC.
NPCC (National Police Chief's Council). (2015). UK has some of the most effective tools in the world to manage sex offenders (press release), 10 March.
Paddick, B. (2008). *Line of fire*. London: Simon and Shuster.
Pearce, E. (2013). Can a police 'Christmas rape poem' really have any impact? *Daily Telegraph*, 16 December.
Rawlinson, K. (2015). Merseyside police apologise for tweets that made light of rape. *The Observer*, 1 November.
Self, W. (2013). Stopped by police and branded a paedophile … for hiking with my son. *Daily Mail*, 17 August.
Weeks, J. (1981). *Sex, politics and society: The regulation of sexuality since 1800*. London: Longmans.

Bibliography

BBC Newsbeat (Radio 1). (2009, July 9). Ads encourage paedophile checks. Available at http://news.bbc.co.uk/newsbeat/hi/the_p_word/newsid_8142000/8142148.stm. Accessed 20 Nov 2015.

BBC News. (2013, December 23). 'Sarah's Law' sees 700 paedophiles identified. Available at http://www.bbc.co.uk/news/uk-25489541. Accessed 20 Nov 2015.

BBC News. (2014, February 27). How did the pro-paedophile group PIE exist openly for 10 years? Available at http://www.bbc.co.uk/news/magazine-26352378. Accessed 20 Nov 2014.

Bowcott, O. (2014a). Rape action plan: Investigators must 'focus on accused, not complainant'. *The Guardian*, 6 June.

Campbell, A. (2011). Guest blog revealing mental health discrimination in CRB checks. http://www.alastaircampbell.org/blog/2011/06/30/guest-blog-revealing-mental-health-discrimination-in-crb-checks/. Accessed 10 Apr 2015.

CEOP (Child Exploitation and On-line Protection centre). (n.d.). *CEOP making every child matter … everywhere*. London: CEOP.

CEOP (Child Exploitation and On-line Protection centre). (2010). *Annual review 2009–10*. London: CEOP.

CEOP (Child Exploitation and On-line Protection centre). (2011b). Do you know this man? (press release), 22 July. London: CEOP.

Culf, A. (1990). 3000 names on Yard paedophile register. *The Guardian*, 28 July.

Davies, C. (2014). Judge under fire after ordering detention of child sexual abuse victim. *The Guardian*, 5 March.

T. Thomas, *Policing Sexual Offences and Sex Offenders*, Palgrave Studies in Risk, Crime and Society, DOI 10.1057/978-1-137-53239-8

DPP (Director of Public Prosecutions). (2013). Protocol and good practice model: Disclosure of information in cases of alleged child abuse and linked criminal care directions

HMCPSI (HM Crown Prosecution Service Inspectorate)/HMIC (HM Inspectorate of Constabulary). (2007). *Without consent: A report on the joint review of the investigation and prosecution of rape offences*. London: Her Majesty's Inspectorate of Constabulary.

HMG (HM Government). (2010). *The coalition: Our programme for government*. London: Cabinet Office.

HMIC (HM Inspectorate of Constabulary). (1997). *The National Criminal Intelligence Service inspection report*. London: HMIC.

HMIC (HM Inspectorate of Constabulary). (2005, September 15). *Closing the gap: A review of the 'fitness for purpose' of the current structure of policing in England and Wales*. London: HMIC.

HMIC (HM Inspectorate of Constabulary). (2015a). *National child protection inspections West Yorkshire Police 15–29 August 2014*. London: HMIC.

Home Office. (2007b). *Review of the protection of children from sex offenders*. London: Home Office.

Home Office. (2010). *Child Exploitation and Online Protection centre (CEOP): The way forward (Cm. 7785)*. London: HMSO.

Home Office. (2013, November 25). Clare's Law to become a national scheme (press release).

Home Office. (2013b). ViSOR standards version 3.1: Produced by the ViSOR National User Group on behalf of the ViSOR user community. http://library.college.police.uk/docs/college-of-policing/VISOR-standards-2013.pdf. Accessed 5 Dec 2015.

Home Office. (2014a). *Pre-charge bail: A consultation on the introduction of statutory time limits and related changes*. London: Home Office.

Home Office. (2015). *The strategic policing requirement*. London: Home Office.

Home Office, ACPO (Association of Chief Police Officers), DoH (Department of Health). (2009). *Revised national service guide: A resource for developing Sexual Assault Referral Centres*. London: Home Office.

House of Commons. (2010). Work of the Child Exploitation and Online Protection (CEOP), Centre Home Affairs Committee (Session 2010–12) HC510 ii. London: HMSO.

Hughes, B., Parker, H., & Gallagher, B. (1996). *Policing child sexual abuse: The view from police practitioners* (Police Research Group). London: Home Office.

IPCC (Independent Police Complaints Commission). (2015). IPCC to investigate NCA over handling of child sex abuse intelligence by CEOP (press release), 23 January.

Jackson, L. (2006). *Women police: Gender, welfare and surveillance in the twentieth century*. Manchester: Manchester University Press.

Johnston, P. (2006). Child sex fugitives named on UK website. *Daily Telegraph*, 17 November.

Kuenssberg, L. (2014). Ceop failures leave children at risk, former employees say. *BBC Newsnight*, 26 November. http://www.bbc.co.uk/news/uk-30203112. Accessed 29 Apr 2015.

Laville, S. (2009). Government's organised crime strategy has echoes of the past. *The Guardian*, 13 July.

Levy, A., & Bains, I. (2014). Police blunders that left boys at mercy of paedophile doctor. *MailOnline*, 1 December. http://www.dailymail.co.uk/news/article-2855803/Paedophile-children-s-doctor-Myles-Bradbury-jailed-22-years.html#ixzz3YiHTXeJQ. Accessed 19 Nov 2015.

NAO (National Audit Office). (2014). Briefing for the House of Commons Science and Technology Committee: The Home Office's oversight of forensic services.

NCA (National Crime Agency). (2012). CEOP launch a new way to prevent UK child sex offenders from abusing children overseas (press release), 18 October. London: NCA

NCA (National Crime Agency). (2013). Research protocols: Research protocols concerning the release of NCA Crime Analysis Unit and Crime Operational Support Data for External Research.

NCA (National Crime Agency). (2014a). 10m additional funding for tackling child sexual exploitation (press release), 12 December. London: NCA.

Scott, H. (1954). *Scotland Yard*. London: Andre Deutsch.

Tempest, M. (2006). Government scraps police merger plan. *The Guardian*, 12 July.

Torbay SCB (Safeguarding Children Board). (2013, February 11). *Serious case review: Executive summary case 26*. Torquay: Torbay Council.

Tran, M. (2014). Children's doctor jailed for abusing young patients. *The Guardian*, 1 December.

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T. Thomas, *Policing Sexual Offences and Sex Offenders*, Palgrave Studies in Risk, Crime and Society, DOI 10.1057/978-1-137-53239-8