



Sexting (Youth Produced Sexual Imagery)

Reference No.	SA028
Implementation Date	13/03/19
Version Date	13/03/19
Version Number	1.0

Freedom of Information Act
Open

Government Security Classifications
OFFICIAL – Open

Table of Contents

1. [Policy Section](#)
2. [Standards](#)
3. Procedure
 - 3.1 [Prevention and Guidance advice to schools and colleges](#)
 - 3.2 [Initial Police Action](#)
 - 3.3 [Investigation Guidance](#)
 - 3.4 [Outcomes and Resolution](#)
 - 3.5 [Aggravating factors](#)
 - 3.6 [Support and Public Information including parents/ carers/ guardians](#)
 - 3.7 [Useful Links](#)

[Appendices](#)

4. [Consultation and Authorisation](#)
5. [Version Control](#)

1 Policy Section (FOIA – Open)

1.1 Vision of the Strategic Alliance

Working together as it can offer the best opportunity to:-

- Develop service delivery to the public
- Ensure delivery against the PCCs' Police and Crime Plans
- Retain a local policing identity
- Ensure resilience around our Strategic Policing Requirement
- Maximise value for money
- Maximise opportunities for the ongoing personal/professional development of our staff

This approach also satisfies the set critical success factors as follows:-

- Both forces mitigate/manage their greatest threat, harm and risks
- Both forces achieve their medium term financial strategies
- The strategic policing requirement continues to be met with reducing resources
- A transformational approach to service delivery
- Both forces adapt and respond to change in an agile/positive way
- Opportunities to invest in new capabilities to meet emerging threats and changing technology.

1.2 Statement of Intent – Aim and Rationale

- 1.2.1 The term sexting is used to describe the sharing by young people (under 18) of indecent images, stills or videos, of themselves or of others (i.e. others under 18). Other terms do not have firm definitions- some children believe 'sexting' means sending flirty written texts and describe the sharing of images as sending 'nudes' or 'nudies'.
- 1.2.2 Sexting can range from consensual sharing to exploitation. Criminal investigation and prosecution for reported offences of sexting will be appropriate where there is a presence of aggravating factors (see 3.5) such as exploitation, coercion, a profit motive, adults as perpetrators or a significant age difference between the children involved. These would constitute Child Sexual Abuse (CSA). APP should be consulted in these instances.
- 1.2.3 If there are no aggravating factors present, it may be more appropriate to deal with reports of sexting through education and intervention (see 3.1 and 3.6). This approach is supported by The National Police Chief Council (NPCC) National Strategy for the Policing of Children and Young People.

1.3 National Decision Model

- 1.3.1 The National Decision Model (NDM) is the primary decision-making model used in both Dorset Police and Devon and Cornwall Police. Where applied it ensures that ethical (see Code of Ethics), proportionate and defensible decisions can be made in relation to operational and non-operational policing. The latest guidance can be found via this APP link.

1.4 Code of Ethics

1.4.1 The Code of Ethics underpins every policy, procedure, decision and action in policing today and staff are reminded of the need to comply with the standards and principles of the Code of Ethics for policing.

1.5 Authorised Professional Practice

1.5.1 The College of Policing (CoP) offers an online service that provides access to a consolidated body of guidance for policing called Authorised Professional Practice (APP). This enables officers and staff to access and search for the most up to date approved guidance, replacing a number of previously published NPIA and ACPO documents.

1.6 GDPR Compliance Statement

1.6.1 Devon and Cornwall and Dorset Police are committed to ensuring the security and protection of the personal information that we process, and to provide a compliant and consistent approach to data protection. Our policies and procedures have been developed taking into account the principles of the GDPR.

2 Standards (FOIA – Open)

2.1 Legal Basis

2.1.1 This policy relates only to youth produced sexual imagery (referred to here on as 'sexting') produced and shared between under 18s, where there are no aggravating factors (see 3.5 aggravating factors).

2.1.2 The creation, possession and sharing of indecent images of an individual under the age of 18 is a criminal offence under the Protection of Children Act 1978 the Sexual Offences Act 2003 S.13 and the Criminal Justice Act 1988. Sexting, where at least one individual involved in the incident is under the age of 18, falls under this legislation.

2.1.3 Children under the age of 13 are unable to consent to sexual activity. Any imagery containing sexual activity by under 13s should be referred to and investigated by the police. Sending 'sexts' is not necessarily classed as sexual activity. Please see 2.0.1 for more information.

2.1.4 Devon & Cornwall Police and Dorset Police are aligned to the National Police Chief Council's (NPCC) position that no young person should be unnecessarily criminalised and that safeguarding should be at the forefront of all we do. It is acknowledged both locally and nationally that a criminal record for low-level offences can have a disproportionate impact on a young person's future.

2.1.5 In partnership with other agencies, appropriate education and restorative justice techniques should be utilised to enable young people to go on to live fulfilling lives.

2.1.6 Officers and staff can find further guidance of appropriate action to take from initial reports of sexting at Appendix A (Devon and Cornwall Police) or Appendix B (Dorset Police).

2.2 Assessment Compliance

- 2.2.1 This document has been drafted and audited to comply with the principles of the Human Rights Act. Internal and external Equality and diversity issues have also been considered to ensure compliance with Equality legislation and policies. In addition Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this document will therefore ensure compliance with all relevant legislation and internal policies.

2.3 Monitoring

- 2.3.1 This policy will be monitored by the Alliance Prevention Department.

2.4 Feedback

- 2.4.1 Feedback relating to this policy can be made in writing or by e-mail to
Force Policy and Procedures

3 Procedure (FOIA – Open)

3.1 Prevention and Guidance advice to schools and colleges

- 3.1.1 Officers and staff should engage with schools and colleges to provide advice and information during investigations regarding sexting, and to educate children on the risks of exchanging imagery. Educational messages should highlight that once an image has been shared, its use is out of control. Please see Appendix C and Appendix D.
- 3.1.3 Whilst it is expected that all officers and staff should engage with schools and colleges, this role may be led by Neighbourhood Policing Teams, Safer Schools and Communities Team (Dorset Police) or other identified teams or roles within the policing family. These teams and individuals may also provide education inputs for young people who have been involved in sexting but where there are no aggravating factors.
- 3.1.4 Officers and staff should make schools and colleges aware that The UK Council for Child Internet Safety (UKCCIS) have produced UKCCIS guidance on dealing with sexting incidents and when it is appropriate to report this to the police. They should also be made aware that any reports of specific incidents reported to the police will be recorded as a crime.
- 3.1.5 Links to relevant guidance, educational materials and other information is available on the Alliance Prevention Department's Youth Services website.
- 3.1.6 Information on when and where schools should report incidents of sexting can be found at page 11 of the UKCCIS guidance.
- 3.1.7 Any situation involving children under the age of 13 and youth produced sexual imagery must be taken seriously as potentially being indicative of a wider safeguarding or child protection concern or as being problematic sexual behaviour. In some cases

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children under 13 (and indeed older) may create youth produced sexual imagery (where the image does not involve a sexual act) as a result of age appropriate curiosity. Please see the UKCCIS guidance pages 27 and 29 for further information.

3.2 Initial Police Action

- 3.2.1 All reported offences of sexting must be recorded as a crime in line with [Home Office Counting Rules \(HOCR\)](#).
- 3.2.2 At the point of reporting it is vital to ascertain whether any aggravating factors (see 3.5) or vulnerabilities/safeguarding concerns are present or whether safeguarding activities need implementing immediately.
- 3.2.3 Initial advice should be provided to all young people and parents/carers involved in incidents of sexting to ensure they do not do anything which in effect could result in their breaking the law, such as taking a copy of the imagery on their own device. Young people and parents/carers should also be referred to their respective force's ([Dorset](#) or [Devon and Cornwall](#)) website where further advice and support on sexting can be found.
- 3.2.4 Officers and staff can find further guidance around appropriate action to take following initial reports of sexting at [Appendix A](#) (Devon and Cornwall Police) or [Appendix B](#) (Dorset Police).

3.3 Investigation Guidance

- 3.3.1 During investigations of sexting, it is important that care is taken and the needs of the children affected are considered. In deciding whether criminal justice processes are necessary and proportionate, officers should consider the long-term impact of investigation and prosecution, such as labelling a child a 'sex offender' and the potential for disclosure as part of a Disclosure and Barring Service (DBS) process.
- 3.3.2 Officers and staff can find further guidance regarding appropriate action to take in when investigating at [Appendix A \(Devon and Cornwall Police\)](#) or [Appendix B \(Dorset Police\)](#).

The presence and sharing of indecent images can have serious implications for the mental health and well-being of children and young people. UK Safer Internet Centre provide an advice service for professionals. This includes advice on the removal of posts from social media sites and knowledge of the various platforms and apps that are regularly produced. They can be contacted via 0344 381 4772 or helpline@saferinternet.org.uk

3.4 Outcomes and Resolution

- 3.4.1 In most cases where there are no aggravating factors, it will not be in the public interest to conduct a full investigation and in those instances National Crime Outcome 21 should be applied when finalising the crime.
- 3.4.2 Outcome 21 is called Outcome 27 on the Devon and Cornwall UNIFI crime recording system. In order to minimise the future impact on a young person of a formal investigation for sexting, crime Outcome 27 should be used in Devon and Cornwall

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and Outcome 21 in Dorset. Outcome 27 will be referred to as the national crime Outcome 21 from here on.

3.4.3 Nationally, outcome 21 is an option to be assigned as a closing outcome for incidents of sexting. Any use of outcome 21 on a crime will require authorisation from a line manager. Line managers may wish to consult with a 'safeguarding expert' such as the Public Protection Unit Detective Sergeant or equivalent, if there are any queries or concerns around the use of outcome 21.

3.4.5 Outcome 21 states;

"Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest – police decision".

3.4.6 By allocating this outcome it is unlikely that this record will be disclosed in the future by DBS or police vetting, unless the individual is investigated further or has further action taken against them in the future which could suggest a pattern of behaviour.

3.4.7 In cases where outcome 21 is used, education and intervention must also be delivered to the young person/s involved. Officers and staff must ensure a copy of Sexting: Advice and guidance for young people, parents and carers is provided for the young person and/or parent/carers. Words of advice and education inputs for individuals or groups can also be delivered.

3.4.8 For Devon and Cornwall Police, contact should be made with the Youth Intervention Officer who will be able to advise on local protocols for delivery. You can find your local [Youth Intervention Officer](#) via the Alliance Prevention Department Sharepoint site.

3.4.9 For Dorset Police, contact should be made with the [Safer Schools and Communities Team](#) who will be able to deliver education and intervention or provide advice, via the Alliance Prevention Department Sharepoint site.

3.5 Aggravating factors

3.5.1 Where aggravating factors are present, education and intervention may not be the most appropriate action to be taken.

3.5.2 Below are some example behaviours that are considered as aggravating factors, please note this is not an exhaustive list;

- Adult involved as perpetrators
- Significant age imbalance
- At least one or more individual involved is under the age of 13
- Indications of grooming
- Blackmail/ coercion
- Repeat offending
- Intent to harm or violence
- Profit motive
- Exploitation

3.6 Support and Public Information including parents/carers/guardians

3.6.1 [Appendix A of the 'College of Policing Briefing note: Police action in response to youth produced sexual imagery'](#) provides a list of resources and support available for those young people and their parents/carers who have been involved incidents of sexting.

3.6.2 All young people and their parents/carers who are subject to outcome 21 should be provided with a copy of Sexting: Advice and guidance for young people, parents and carers produced by Devon & Cornwall and Dorset Police, which will provide further help, advice and education.

3.7 Useful Links

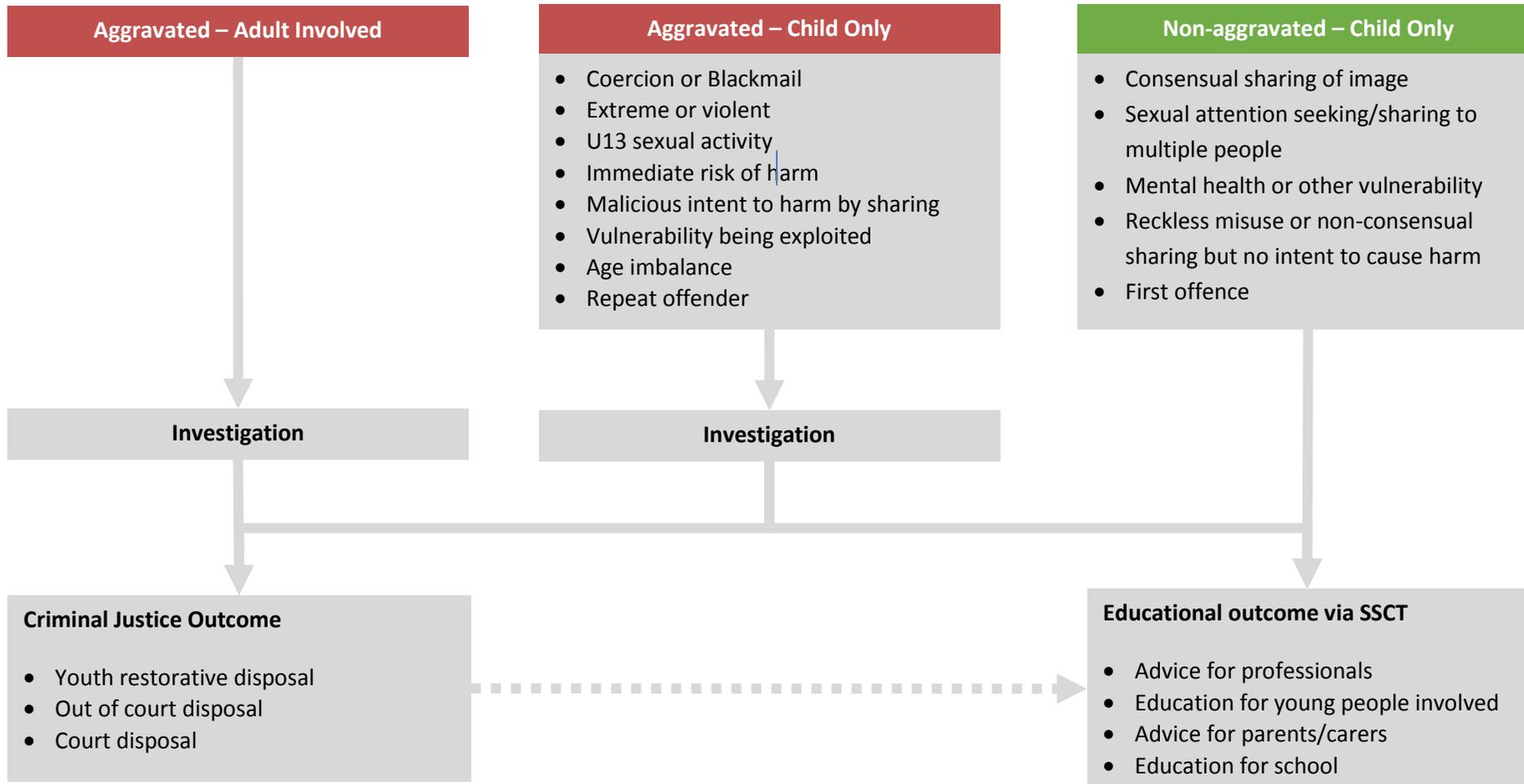
Published Guidance

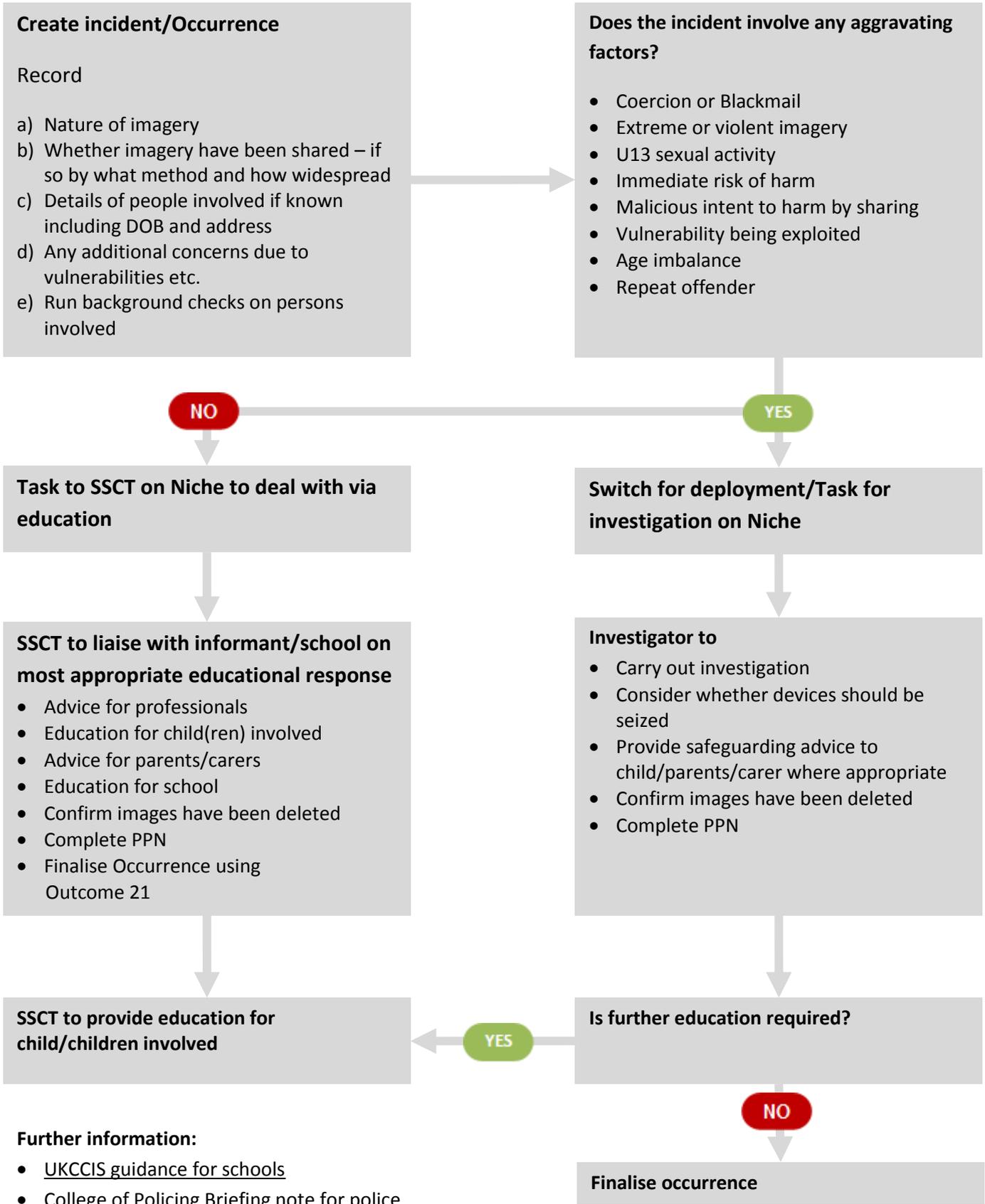
- [College of Policing briefing note: Police action in response to youth produced sexual imagery \('sexting'\)](#)
- [UK Council for Child Internet Safety- Sexting in schools and colleges: Responding to incidents and safeguarding young people](#)
- [Crime Recording \(schools Protocol\): Annex B](#)
- Sexting: Advice and guidance for young people, parents and carers
- Letter to Head teachers in Devon and Cornwall – [Appendix C](#)
- Letter to Head teachers in Dorset - [Appendix D](#)

Further support, resources and education

- [Sexting - Childnet](#)
- www.childnet.com/ufiles/Sexting-Hot-Topics-YP.pdf
- Sexting in Schools Advice & Support

Appendix B: Dorset Police (FOIA – Open) Youth-Produced Sexualised Image (Sexting) Guidance Outcomes





Appendix C (FOIA – Open)
Letter to schools in Devon and Cornwall



Devon & Cornwall Police

Youth Issues Team: www.dcdhub.org
Youthissuesteam@devonandcornwall.pnn.police.uk

Dear Head

I am writing to you as a result of [new guidance](#) for police forces released by the National Police Chiefs Council (NPCC) and UK Council for Child Internet Safety (UKCCIS) in response to ‘youth produced sexual imagery’, commonly referred to as “sexting” or “sending nudes” amongst young people. This letter seeks to inform you of the action that both Devon and Cornwall Police and Dorset Police will take in response to any reports made where the individuals involved are 17 years of age and under.

Guidance produced by UKCCIS entitled [“Sexting in schools and colleges”](#) provides more comprehensive detail for educational establishments on how they should be dealing with such incidents. The National Police Chiefs Council (NPCC) has made clear that incidents involving youth produced sexual imagery should primarily be treated as a safeguarding issue, but the Home Office counting rules require all Forces to formally record as crimes all such reports being made to them.

The guidance clearly states what factors to consider, and when it is necessary and proportionate to involve the police, and therefore when it is appropriate to be dealt with within the school environment.

We would recommend that relevant staff within your organisation familiarise themselves with the new guidance which can be found online at [here](#). Further information and advice for professionals can also be found at www.dcdhub.org/sexting.

This guidance and approach is designed to ensure consistency in;

- how we deal with all young people who may be involved in incidents of sexting,
- to [avoid criminalising young people](#) where it is not appropriate and the potential long-term impact this may have, and
- to ensure education and safeguarding is at the front of all we do with young people as a police force.

Where a parent, child or school reports an allegation to the police, the Home Office counting rules mandate that it must be recorded on our systems as a crime. Taking, making or distributing indecent photographs or possession of an indecent photograph of a child is a criminal offence and therefore all reported offences of youth produced sexual imagery to Devon and Cornwall Police will be recorded as a crime. However, the guidance to Forces

also allows the police to use their discretion as to the best means of then resolving that crime report.

Each crime on a police system has to be assigned an outcome code. If the reported incident does not involve any aggravating features and careful assessment of the facts of the case suggest that the making and sharing of images is considered non-abusive and there is no evidence of exploitation, grooming, profit motive, malicious intent, inappropriate sharing or persistent behaviour then an outcome code of 'outcome 21' (no further action) may be considered as the most appropriate.

This means that even though a young person has broken the law (and the police could provide evidence that they have done so), the police can record that they chose not to take further action as it was not in the public interest. The use of 'outcome 21' on a crime means that the young person does not have a criminal record and it is unlikely that the incident would be shared on future Disclosure and Barring Services checks - unless future incidents occurred which suggested a pattern of behaviour.

The use of this means a resolution will be accompanied by education and intervention for the young people involved. This may need to be a joint approach between the police and the school or college, and we would welcome your support.

Where aggravating circumstances do exist, then clearly we will undertake a thorough investigation, as you would expect. We trust however that you will appreciate that whilst a crime must be recorded if the matter is referred to police, there is a desire for proportionality and acknowledgement of the longer term impact formal police resolutions can have on young people. We therefore encourage all schools and colleges to understand their options for handling such incidents.

Schools and Colleges are still able to access support from Devon and Cornwall Police through their normal local channels and contacts, but must be aware that this support will be in line with these national requirements. Our website for professionals is the best and immediate means of accessing guidance and support www.dcdhub.org and we hope it assists.

Over the next few weeks we shall be providing information to the public, seeking to help to educate young people around the issues, and parents around the response they might expect from schools and the police. We would ask for your support in assisting us to inform and educate parents and carers on this issue.

Yours faithfully

Superintendent
Head of the Prevention Department
Devon & Cornwall Police, and Dorset Police

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Appendix D (FOIA – Open except contact details, Closed S40)
Letter to schools in Dorset

Dear Head Teacher

As a result of recent National Police Chiefs Council (NPCC) guidance I am writing to inform you that Dorset Police action in response to Youth Produced Sexual Imagery, commonly referred as Sexting, has changed.

Taking, making or distributing indecent photographs or possession of an indecent photograph of a child are state based criminal offences and therefore all reported offences of youth produced sexual imagery to Dorset Police, including directly calling or e-mailing the Safe Schools & Communities Team (SSCT), will be recorded as a crime against the state on the police systems, in line with Home Office Counting Rules (HOCR).

Every crime recorded on a police system has to be assigned an outcome. Outcome 21 allows the Police to formalise their discretion when handling crimes such as youth produced sexual imagery.

If the reported incident does not involve any aggravating features, and careful assessment of the facts of the case suggest that the making and sharing of images is considered non-abusive and there is no evidence of exploitation, grooming, profit motive, malicious intent, inappropriate sharing or persistent behaviour then Outcome 21 may be considered as the most appropriate crime outcome code.

This means that even though a young person has broken the law and the Police could provide evidence that they have done so, the Police can record that they chose not to take further action as it was not in the public interest. This does not mean that the young person has a criminal record and it is unlikely that the incident would be disclosed on a Disclosure and Barring Services check.

The “Sexting in schools and colleges” guidance produced by the UK Council for Child Internet Safety (UKCCIS) provides more comprehensive detail for educational establishments on how they should be dealing with such incidents. The National Police Chiefs Council (NPCC) has made clear that incidents involving youth produced sexual imagery should primarily be treated as safeguarding issues. The guidance clearly states what factors to consider and when it is necessary and proportionate to involve the police or other agencies. We would recommend that relevant staff within your organisation familiarise themselves with the new guidance which can be found online at <https://www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis>

Schools and Colleges are still able to access support from Safe Schools & Communities Team but must be aware that this support will be in line with the aforementioned procedures.

Please do contact us if you have any questions.

Youth Services Operational Manager

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4.0 Consultation and Authorisation

4.1 Consultation

Version No: 1.0	Name	Signature	Date
Police & Crime Commissioner			
Police Federation			
Superintendents Association			
GMB / UNISON / Unite			
Other Relevant Partners (if applicable)	PPU		21/02/19
	Force Crime Registrar		21/02/19
	Youth Services Team		11/10/18

4.2 Authorisation of this Version

Version No: 1.0	Name	Signature	Date
Prepared:	Policy Officer		21/02/19
Authorised:	Supt J Hawley		21/02/19
Approved:	Supt J Hawley		21/02/19

5.0 Version Control

5.1 Review

Date of next scheduled review	Date: 13/03/20
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5.2 Version History

Version	Date	Reason for Change	Created / Amended by
1.0	13/03/19	Initial Document	Policy Officer

5.3 Document History

Present Portfolio Holder	ACC Local Policing & Connectivity
Present Document Owner	Alliance Prevention Department
Present Owning Department	Alliance Prevention Department