



Devon & Cornwall Police

10th April 2017

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. This action will **not** apply to any individual involved in an incident of sexual communication (e.g. sexting) where they are 18 years of age or older with an individual under the age of 16 years of age.

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