

# Responding to the taking or sharing of nude and semi-nude images by young people

Briefing note on how police should respond to reports of young people taking and sharing nude or semi-nude images.

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## Overview

### About this briefing note

This advice focuses on the initial response to a report of taking and sharing nude or semi-nude images by young people. It also considers the proportionate response within the bounds of the law, if the making and sharing of the imagery does not involve aggravating factors.

It seeks to support law enforcement professionals in responding proportionately to reports of children (under 18 years old) possessing, sharing or generating indecent imagery of themselves or other children.

This activity may constitute an indecent image offence and may be illegal under the [Protection of Children Act 1978](#) and the [Criminal Justice Act 1988](#).

### Deciding on an appropriate response to offences

Most offences involving sexual activity with children will require a full criminal investigative response. For example, in the presence of exploitation, coercion, a profit motive or adults as perpetrators, as these constitute child sexual abuse.

- [See our authorised professional practice \(APP\) on Responding to child sexual exploitation](#)

Offences involving self-generated images or images obtained with permission from other children may be dealt with differently.

Forces may, for example, consider that suitably experienced first responders, safer school officers or neighbourhood teams can provide an appropriate response, thereby avoiding stigmatising children or causing them unnecessary fears and concerns. Outcome 21 provides forces with a way

to resolve crimes with the appropriate contextual factors in a proportionate and effective way.

- [See the Crime outcomes framework \(Home Office\) for a definition of outcome 21](#)

## Disclosures

In deciding whether criminal justice processes are necessary and proportionate, forces will wish to consider the long-term impact of investigation and prosecution – such as labelling a child as a ‘sex offender’ and potential disclosure as part of a Disclosure and Barring Service (DBS) process.

Statutory disclosure guidance is provided for chief officers to consider whether behaviour covered in this paper should be disclosed on a DBS enhanced check, as for other non-conviction information. Additional safeguards are in place to reduce risk of subsequent disclosure where outcome 21 is appropriately used.

- [See Statutory disclosure guidance for chief officers \(DBS, Home Office\)](#)
- [See GD8 Youth-produced sexual imagery – Guidance for disclosure \(DBS\)](#)

## Working with partners in education

Police need to work with educational establishments to:

- help discussions with and respond appropriately to children regarding the risks of exchanging imagery
- engage as appropriate during investigations
- understand these establishments’ powers to delete images

Guidance exists that includes advice on how educational establishments can and should respond, including when to report to the police.

- [See Sharing nudes and semi-nudes: advice for education settings working with children and young people \(GOV.UK\)](#)

## Scope and related material

### Definitions and terms

This briefing uses the term 'sharing nudes or semi-nudes by young people' to describe those who are under 18 years old sharing indecent images, still photographs or videos of themselves or of others who are also under 18 years old.

Other terms do not have firm definitions, nor are they required for the purpose of this advice. For example, some children believe 'sexting' means sending flirtatious written texts and many parents are unsure of what is illegal.

## Prevalence of self-generated imagery

The Internet Watch Foundation reports that of the 252,194 webpages actioned during 2021, almost three quarters (182,281 or 72%) were assessed as containing self-generated imagery. This is a 28 percentage point increase on 2020, when 44% of actioned reports (or 68,000) were self-generated (Internet Watch Foundation, 2021).

The circumstances in which young people take or share nudes or semi-nudes can vary significantly. They may do so willingly and with the permission of anyone involved. In other instances, it may be the result of exploitation.

Criminal investigation and prosecution for the image offences listed in this briefing will be appropriate in the presence of aggravating features, such as exploitation, coercion, a profit motive or adults as perpetrators, as these would constitute child sexual abuse.

## How this briefing note was developed

This advice has been developed in parallel with the UK Council for Internet Safety (UKCIS) advice for schools in England on how they should risk assess, how they should use their discretionary powers to search, seize, view and delete content from mobile phones, and when and how to engage with the police on this issue (Department for Education, 2014).

Police should engage with education settings to provide advice and information during investigations, and to support the education of children on the risks of exchanging imagery.

Educational messages should start a positive and supportive dialogue with children about healthy and unhealthy relationship behaviours, and should help them develop the skills, knowledge and confidence to seek help when they need it.

# Initial police action

## Action 1

All reported offences of young people taking or sharing nudes or semi-nudes must be recorded as a crime, in line with the [\*\*Home Office Crime Recording Rules\*\*](#).

## Action 2

A child-centred approach at the point of report is vital to safeguard children effectively (National Police Chiefs' Council (NPCC), 2021).

The involvement of a parent or trusted adult will assist in protection of the child.

Ascertain whether any known vulnerabilities and/or aggravating features (such as an adult being involved or the presence of violence) are present, and check the welfare of relevant parties.

Advice should be given that:

- enables the effective safeguarding of persons affected (for example, where further advice and support can be found)
- ensures they do not do anything that could result in them breaking the law, such as taking a copy of the imagery on their own device

## Action 3

Background checks should be run regarding the victim(s), perpetrator(s) and location(s) (where relevant). This should include:

- all police systems (including the Police National Computer and Police National Database)
- systems belonging to partners, where possible – for example, via a multi-agency safeguarding hub (MASH) or equivalent

Where a multi-agency meeting is planned, or where there will be a discussion with the various parties directly involved – such as the children and/or their parents or carers – these checks should ideally take place prior to any meeting.

Safeguarding concerns may require immediate action, which may prevent checks being undertaken in advance.

## Action 4

Where significant risks are identified or any of the involved children are found to be subject to ongoing child protection activity (for example, in care or on a child protection plan), there is likely to be a requirement for a child protection referral and/or a strategy meeting. This should help develop measures to safeguard the child effectively and to ensure that relevant duties of care are followed.

## Action 5

Most offences involving sexual activity connected to children will raise significant safeguarding concerns, including in cases where young people are taking or sharing nudes or semi-nudes.

However, if there are no aggravating features, it may be appropriate to take an approach that is supportive of the children involved, rather than a criminal process.

Decisions on the appropriate approach should be underpinned by careful assessment of the facts of the case, including:

- the presence of any aggravating features
- the backgrounds of the children involved
- the views of significant stakeholders (such as parents, carers, teachers or other relevant partners)

## Investigation

When collecting initial accounts, it is important that care is taken and that the needs of the children are considered – whether the child has taken, sent or received an image.

In deciding whether criminal justice processes are necessary and proportionate, forces will wish to 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 DBS process.

While Home Office Crime Recording Rules require the recording of crime, consideration should be given to how details of the individual(s) are recorded. There remains local discretion to avoid recording as a suspect where there is lack of evidence of mens rea (intention) – for example, in

willing participation or accidental cases.

During investigation, it may become necessary to seize electronic storage devices (such as mobile phones) in order to progress inquiries and inform safeguarding decisions. Opportunities to preserve and protect evidence should be considered while gathering initial accounts. (For example, securing electronic devices without making full seizure of the device, liaising with the school and using their powers of seizure.)

Where police are seeking material from a person's digital device and they are not using a statutory power, such as sections 32 or 54 of the Police and Criminal Evidence Act 1984 (PACE), they will rely on the cooperation of the device owner.

The considerations set out in the **Extraction of information from electronic devices – Code of Practice** (Home Office, 2022) will apply.

Among other things, officers will need to consider the least intrusive way to acquire the material – considering the impact of removing a child's device, balanced with ensuring that evidential integrity is maintained.

## Action 6

After careful assessment, those believed to be at lower risk (for example, where the sharing is believed to be age-appropriate, undertaken willingly and/or with permission) should not have their device seized as a matter of routine.

In higher-risk cases, the devices used or owned by any persons who may have exploited the other party, or who are believed to have shared sexual imagery without permission, should be targeted and seized where possible.

In higher-risk cases (for example, where permission or willingness is not present or where aggravating factors are identified), any child involved may need to be formally interviewed (a visually recorded interview).

## Action 7

The current and future welfare of any child involved should be assessed. Any concerns identified relating to them potentially coming to harm (for example, self-harm or suicidal thoughts) should be

subject to immediate child protection referral or a more immediate intervention as appropriate.

Once an account has been obtained, the child and their parents or carers should be:

- notified as to the next likely steps of the investigation
- allowed time to ask any questions relating to the process
- signposted towards services and other resources for further advice and support
- provided with written information regarding officer contact details

## Action 8

Where it is necessary for officers to remove imagery from social media platforms or internet service providers, each provider will have a different approach to dealing with requests for the removal of content and the speed of response.

More information can be found on individual providers' websites, where their terms of service and process for reporting should be public. See [\*\*Resources for professionals\*\*](#).

## Outcome 21

### Action 9

[\*\*Home Office Crime Recording Rules\*\*](#) require each crime to be allocated an outcome from a menu of predefined codes. In January 2016, the Home Office launched [\*\*outcome 21\*\*](#), which 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.*

This outcome code allows the police to record a crime as having happened but for no formal criminal justice action to be taken, as it is not considered to be in the public interest to do so.

### Action 10

Outcome 21 may be considered the most appropriate resolution in cases involving young people taking and sharing nudes where the making and sharing is considered non-abusive and there is no evidence of exploitation, grooming, profit motive, malicious intent (extensive or inappropriate

sharing, such as uploading onto a pornographic website), or it being persistent behaviour.

Where any of these factors are present, outcome 21 would not apply.

## Action 11

It is likely that forces will want decisions about the use of outcome 21 in these circumstances to be reviewed by a suitably senior and/or experienced officer.

## Action 12

Once an appropriate outcome has been decided, it is vital that this is clearly communicated to the persons affected, their parents or carers, and the school where appropriate. This should also explain the immediate and longer-term implications, as this is a common concern cited by those being investigated and their parents or carers.

If a person receives a caution or conviction, disclosure on a DBS certificate is mandatory, with youth cautions exempt unless recent and relevant. Non-conviction information can only be included on an enhanced criminal record check. A chief officer should consider what information should be included based on relevance, in line with the DBS guidance.

## Action 13

In the event that outcome 21 is used for cases involving children taking or sharing images, the principles should be clearly explained to those involved in person.

You can [use our template for writing a formal record](#).

# Dealing with images when outcome 21 is used

## Action 14

In the event that a case is considered low-risk, devices were not seized and outcome 21 was used, a clear direction should be provided to the person in possession of any copies of any nudes or semi-nudes to delete them and prove they have done so.

It may be possible for their educational establishment to use their powers to seize, view and delete content.

## Action 15

If a device seized by police is found to contain nudes or semi-nudes of young people, it is unlikely that the device could be returned unless the imagery was, for example, solely of the owner of the phone in question. This is because it is difficult to remove all image traces from electronic devices and it is possible that returning a device could be interpreted as supplying an indecent image of a child.

A decision to return a device is likely to require managerial sign-off (for example, from a superintendent).

## Action 16

The Child Abuse Image Database (CAID) is a national repository for indecent images of children and can be accessed by all High-Tech Crime Units. The records of images held on the database are shared with major technology companies to prevent their re-circulation on the internet.

Officers seizing images that have been shared beyond the control of the child should liaise with their High-Tech Crime Unit to enable the images to be added to the CAID. This will enable future investigations if the image is discovered in connection with other crimes.

## Action 17

A child contact with police form should also be raised to notify partners of the incident and to ensure effective information sharing.

## Template for writing a formal record in the event outcome 21 is used

[You have/your child has] been recorded on police systems against [add crime type], in line with Home Office crime recording rules. After consideration of all relevant factors, a decision has been made that no further action will be taken by the police in this instance.

[You have/your child has] not been convicted or cautioned for any offence connected with this investigation.

If you require an Enhanced Disclosure and Barring Service (DBS) check in future, it is unlikely that this record will be disclosed, unless [you are/your child is] investigated or [have/has] further action taken against [you/them] in the future that could suggest a relevant pattern of behaviour.

Any decision to disclose will be made by the chief police officer dealing with the request, based on all factors and information available at the time of the decision.

## Resources for professionals

If you need additional advice or support, the following organisations can assist.

### Internet Watch Foundation

If a site has no reporting function and if the content is a nude or semi-nude of someone under 18 years old, you can report it to the [Internet Watch Foundation \(IWF\)](#).

Sexual images of anyone under 18 years old are illegal and the IWF can work to get them removed from sites that do not have reporting procedures.

### Childline

[Childline](#) works in partnership with the IWF and offers direct support to children and young people, including for issues relating to the sharing of nudes and semi-nudes.

### Child Exploitation and Online Protection Centre

Adults and children who are concerned that a child is being sexually abused, exploited or groomed online can report this to the National Crime Agency (NCA) [Child Exploitation and Online Protection Centre \(CEOP\)](#). Adults do not need to report to CEOP if they have already reported the incident to police.

### ??????NSPCC adults helpline

The [\*\*National Society for the Prevention of Cruelty to Children \(NSPCC\)\*\*](#) has partnered with O2 to offer direct support to parents and other adults on issues relating to online safety. Call 0808 800 5002.

## Professionals Online Safety Helpline

The [\*\*Professionals Online Safety Helpline\*\*](#) supports professionals with resolving online safety concerns, including concerns for children in their care. Call 0844 381 4772.

## References

- GOV.UK. (2016). [\*\*GD8 – Youth produced sexual imagery – Guidance for disclosure\*\*](#).
- GOV.UK. (2020). [\*\*Sharing nudes and semi-nudes: Advice for education settings working with children and young people\*\*](#).
- Internet Watch Foundation. (2021). [\*\*Self-generated child sexual abuse\*\*](#).
- Department For Education. (2022). [\*\*Searching, screening and confiscation in schools\*\*](#).
- National Police Chiefs' Council. (2021). [\*\*Child centred policing: Best practice framework\*\*](#).

## Tags

Child sexual exploitation    Operational policing