

**Our ref: 6152/17**

1) Please provide a copy of guidance issued to police officers for dealing with groups that hunt alleged paedophiles.

2) Please state the number of occasions in which police have been called to "stings" by groups that hunt alleged paedophiles, who have caught an alleged paedophile, in each of the last three financial years and the current financial year to date.

Please provide the incident report for each case.

\*If question 2 would breach cost limit, please just provide an answer question 1, and I'll pare question 2 down in a follow up to bring it within cost at a later point.

In order to provide an accurate response to question two would involve a manual trawl of all sexual offences that were linked to a victim under 16 to establish whether they relate to your request. In the last three financial years we have recorded 12,227 sexual offences against children under 16 years and at a conservative estimate of five minutes per record this would take in excess of 1000 hours to provide.

As requested, question two has been withdrawn for the above reason.

West Yorkshire Police follow the 'National Guidance on responding to Online CSA Vigilante groups' a copy of which is attached. Unfortunately West Yorkshire Police is unable to provide you with the full guidance and redactions have been applied by virtue of Section 31(1)(a)(b)– Law enforcement. Please see appendix A for the full legislative explanation.

## **Appendix A**

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

### **DECISION**

This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant a notice which:-

- (a) states the fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

## **REASONS FOR DECISION**

The reason that we are unable to provide you with this information is covered by the following exemption(s):

### **Section 31(1)(a)(b) - Law Enforcement**

This is a qualified and prejudice-based exemption, I am therefore obliged to communicate harm and conduct a public interest test on the exempted information.

#### **Harm**

To disclose information relating to the investigative process for crimes relating to child abuse would be harmful as it would undermine current and future investigations. Disclosure would provide information to offenders on our investigative process which in turn could be used to evade detection or continue offending by exploiting this information. This would lead to further crimes being committed and victims subjected to this type of abuse to increase. It is of paramount importance that the police service is able to safeguard current victims and protect any others in the future. The disclosure of the redacted material would have an impact on policing across the country as offenders would be able to take steps to avoid detection.

#### **Factors favouring disclosure**

Disclosure would adhere to the basic principle of being open and transparent. There is a strong public interest in knowing how the police service investigates and collates evidence on child abuse offenders. Knowing that the police has appropriate steps in place to ensure the safety of children and apprehend those committing such crimes would ensure that the public is confident in the police service ability to achieve this. Furthermore, if it is felt that the police is not appropriately taking steps to protect children, the disclosure of this information would enable an informed discussion on the matter.

#### **Factors favouring non-disclosure**

The disclosure of the redacted material is directly related to operational and investigate options available to the police service. The disclosure of the information would enable offenders to understand actions taken by the police and would undermine future and current investigations. Offenders would be able to take steps to circumvent the actions taken by the police which would have a direct impact on ensuring the safety of children and bringing offenders to court.

#### **Balancing Test**

Although there is a public interest in knowing how the police investigate and safeguard victims against child sexual abuse, to disclose this information would undermine that process. There is already considerable information about how the police support and target offenders, through local or national initiatives and multi-agency working. However to provide the redacted information would undermine investigations and would lead to offenders being able to avoid detection. This would increase the number of crimes committed and the number of victims. The police service has a duty to protect and the disclosure of this information would certainly have an effect on the police service's ability to do so. After careful consideration it is therefore felt that the decision to exempt the information outweighs the public interest.'

**DRAFT**

V11

# **National Guidance on responding to Online CSA Vigilante groups.**

*Subject to agreement & sign off*

*This document is PROTECTIVELY MARKED under the Government Protective Marking Scheme and any referrals for advice and rationale in relation to Freedom of Information Act disclosure should be made to the NPCC Central Referral Unit at [npcc.request@foi.pnn.police.uk](mailto:npcc.request@foi.pnn.police.uk).*

## **Document information**

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CC Simon Bailey & DCC Michelle Skeer

CPAI & MOSOVO National working groups

VPP

Reference Material

**S31(1)(a)(b)**

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## 1. INTRODUCTION

This is practitioners advice provided jointly by the College of Policing, National Police Child Protection and Abuse Investigation (CPAI) and Management of Sex Or Violent Offenders (MOSOVO) working groups under the direction of CC Simon Bailey and DCC Michelle Skeer. Both working groups work to the NPCC Violence and Public Protection Portfolio.

A working group of experienced SIOs from across England and Wales together with the College of Policing and CPS representatives have contributed to this document and attached toolkit.

The document intends to offer a menu of options to investigators as opposed to prescribed action.

- 1.1 The activities of a small number of internet “vigilantes” (e.g. Stinson Hunter, Dark Justices and Letzgo hunting) have come to light based partly on the self-publicity they have generated. Activity has taken place nationwide **S31(1)(a)(b)**  
**S31(1)(a)(b)** These groups or individuals seek to go online, with the declared intention of “catching” online paedophile activity and exposing it. Historically vigilante groups have notified police post confrontation, they frequently record and post content on the internet.
- 1.2 The last 12 months has seen a number of groups and individuals using a variety of tactics including:
  - Providing police with evidence pre confrontation / challenge
  - Contacting the police during confrontation and filming police attendance
  - Conducting citizen’s arrests on subjects
  - Posting details of alleged grooming activity and confrontations on social media without making contact with the police
- 1.3 There is no common motive for the persons carrying out this activity and very little academic research in this area. We are aware of circumstances **S31(1)(a)(b)**  
Alternatively, many carry out this activity with the sole aim of identifying and bringing offenders to justice. It is worth highlighting that there will be a possibility that those involved in this activity will themselves have previously been the victim of child sexual abuse. Forces have asked for guidance about how to deal with these groups or individuals and how to deal with the information, intelligence or evidence they seek to report.

## 2. NPCC CPAI & MOSOVO JOINT POSITION

- 2.1 The NPCC position on vigilante activity remains unchanged from that set out by ACPO and should be read alongside this practitioners' advice and is included in the toolkit.
- 2.2 Vigilante activity in this area carries high risk. Creating alternative routes for disclosure of offences undermines the aim of the police service to improve victim confidence in reporting direct to police.
- 2.3 Vigilante groups have little or no consideration for any safeguarding intervention required for vulnerable adults or children who may have contact with the suspect.
- 2.4 The quality of information passed to the police is frequently low and significant input is required to develop it; in any case, forensic and other opportunities can be lost.
- 2.5 **S31(1)(a)(b)**
- 2.6 **S31(1)(a)(b)**
- 2.7 Proper standards of victim care, or indeed managing the welfare of people exposing themselves to child abuse material, will largely be absent and cannot be assured in any case.
- 2.8 There is no way of ensuring that vigilante groups will target their activity accurately against online paedophile activity. The wrong people may be "exposed" or their privacy invaded, either by mistake or with other intent.
- 2.9 The risk to individuals who are "exposed" in this way – whether accurately or not – from themselves or others is generally not anticipated, assessed or cared about.
- 2.10 In the absence of any governance or control of online vigilantes, their accountability for their actions is very low, as is the scope of police forces to manage or mitigate the risks they create.
- 2.11 **S31(1)(a)(b)**

**S31(1)(a)(b)**

following guidance is representative of the approach taken by a number of SIOs and is based on their experience having dealt with a variety of vigilante groups.

### **3. Requesting a CPS Decision to prosecute – CPS Position**

- 3.1 The decision to prosecute criminal offences or potential offences exposed by vigilantes must be dealt with on a case by case basis and in accordance with the Code for Crown Prosecutors.
- 3.2 Police are encouraged to seek early investigative advice (EIA) in all vigilante cases using the EIA process available in each CPS area. This will assist officers to address any complex evidential issues, to focus their investigation and to bring to an early conclusion cases, which are unlikely to meet the required evidential standard.
- 3.3 Evidence obtained because of vigilante activity may give rise to defence applications for the court to exercise its discretion to stay proceedings as an abuse of process or to exclude evidence under section 78 Police and Criminal Evidence Act 1978. Evidence, which suggests the police may have tasked, encouraged or supported vigilante activity, adds weight to such applications.
- 3.4 The request for a charging decision should highlight any evidential weaknesses including reluctance by the vigilante(s) to engage with the prosecution process, any reluctance to disclose all relevant evidence and the vulnerability of the suspect where this is linked to the commission of the offence. If the case is prosecuted, the vigilante will be a crucial witness, and it is essential that they are fully engaged with the process. Also, if the vigilante is not engaging, then we are likely to encounter disclosure difficulties with the case. A common defence in cases involving vigilantes is that the prosecution is not able to present a full history of the communications between the parties, and that the vigilante in fact took the initiative in any sexual conversation, rather than the suspect.
- 3.5 For the reasons above, it is essential that the police attempt to attempt to obtain all communication between the vigilante and the suspect at an early stage. A full record should be kept of all attempts to obtain the communication. A failure to do this (or a reluctance to provide this by the alleged vigilante) may mean that there is insufficient evidence to provide a realistic prospect of conviction or that an abuse of process argument is deemed likely to succeed and thus the case will not be charged.
- 3.6 **S31(1)(a)(b)**
- 3.7 Moreover, it will unquestionably assist the prosecution to rebut assertions that the police encouraged or supported such activity, if it could be

demonstrated that the police actively discouraged paedophile vigilante activity. As such, it is recommended as best practice that police take all appropriate opportunities to take this approach with vigilante groups.

- 3.8 Where the police or prosecution conclude there is insufficient evidence to satisfy the Code for Crown Prosecutors then the police ought to consider whether an application for a sexual risk order is appropriate to address any risk posed by the suspect.
- 3.9 The techniques used by vigilantes will often be very different to those employed by the police and may involve the commission of offences by the vigilantes. In such circumstances, it is important that the police bring any potential offences committed by the Vigilante to the attention of the CPS charging lawyer.

#### **4. Working with vigilante groups**

- 4.1 For the considerations outlined above it is not recommended that forces work with or in any way endorse activities of vigilante groups.
- 4.2 Forces have had mixed success with issuing cease and desist notices to groups. It will be important to make clear to the vigilante group the position of the force and concerns that confrontation and exposure of personal details could put people at risk.
- 4.3 At times it is going to be necessary to meet with vigilante groups to deal with matters that relate to public safety. There is a very fine line regarding meeting with vigilante groups and discussions becoming guidance (thereafter perceived as an acceptance of activity and then implied tasking). Police should not 'task' or imply tasking of groups in any way. The CHIS APP published by the College of Policing should be consulted to ensure there is no confusion regarding the role of police in such circumstances.
- 4.4 Forces should consider a policy for dealing with online vigilante activity.

#### **5. Reporting methods and considerations for investigators**

##### 5.1 Notification from a group of a planned confrontation

- 5.1.1 It is advisable to request a witness statement and evidence held in relation to the communication with the individual (e.g. chat logs and any video footage) immediately because the information and evidence is often not forthcoming or destroyed.
- 5.1.2 The force duty Inspector should be notified in order to review the response and to ensure safeguarding checks are completed.
- 5.1.3 A risk assessment should be undertaken and kept under review. This should include but not be limited to:

- Identification of any children in contact or under control of the suspect
- General safety of the suspect and risk of self harm
- Reprisals (risk of)
- Community impact
- Risks to those intending to undertake the confrontation
- Ensure appropriate flagging and referrals on force systems

*It is recommended that the National decision making model is used to determine the response to the information received. The decision maker should document rationale and action taken against the above risks.*

There is a need to advise the relevant partners of the risks particularly to any vulnerable persons associated with the case. Partner agencies will have their own means of monitoring community impact which the police should tap into.

5.1.4 Consideration should be given to the vulnerability of the suspect, both through harm to themselves and harm that others might cause. The CPAI working group has recently produced IIOC suicide prevention guidance. It can be located on POLKA and through force safeguarding leads.

5.1.5 When a case is reported the first priority will be to identify and manage any immediate risks. These will include but are not limited to, any risks to the subject, their family and property and any victims. It is important to quickly identify primacy for offences across geographical areas or force boundaries for management of risk and establishing if offences have been committed.

#### 5.1.6 **S31(1)(a)(b)**

5.1.7 Consideration should be given to arresting the identified suspect at the earliest opportunity. Early arrest can provide opportunity to gain control over the situation and put in place appropriate risk management plans.

5.1.8 Early intervention could prevent harm not only to the individual identified, but members of their family, potential victims, members of vigilante groups and members of the public.

5.1.9 Whilst the vigilante group may desire the opportunity to confront the individual, they should be advised that the police will not facilitate this and it should be strongly discouraged.

#### **S31(1)(a)(b)**

5.1.10 Officers making arrests should seek to evidentially secure any mobile phones / devices to prevent loss or destruction of evidence and further

searches should be conducted as appropriate. It is always advisable to consult with the High tech crime unit to triage and prioritise devices.

**5.2 Notification from a group that confrontation has taken place and the subject remains at the scene**

**5.2.1 S31(1)(a)(b)**

**5.2.2 S31(1)(a)(b)**

**Arranging or facilitating the commission of a child sex offence, Contrary to Section 14 of the Sexual Offences Act 2003 or Attempting to meet a child following sexual grooming, Contrary to Section 15 of the Sexual Offences Act 2003.**

**S.9 Sexual activity with a child**

**S.10 Causing or inciting a child to engage in sexual activity**

**S.11 Engaging in sexual activity in the presence of a child**

**S.12 Causing a child to watch a sexual act**

**S.13 Child sex offences committed by children or young person.**

5.2.3 Officers should seek to establish if the subject has access to children or young people in domestic and / or professional capacity and take any necessary safeguarding steps.

5.2.4 The force Duty Inspector should be notified.

**5.2.5 S31(1)(a)(b)**

**5.3 Notification from a group that confrontation has taken place and they have posted a confrontation online**

5.3.1 Where specialist teams will be the lead for investigating vigilante activity, forces should identify and signpost the referral routes to frontline officers and staff. Referrals should be immediate and a duty supervisor notified.

5.3.2 As much detail and evidence as possible should be obtained from the group, including webchat screen shots, still images of the suspect and screen shots of any public comments identifying the suspect. The appropriate website should be viewed as soon as possible and attempts should be made to preserve a copy of the video where possible. It should be a priority to locate

and arrest the suspect and preserve evidence particularly in order to mitigate against any risk to any children or young people connected to, the subject, family and friends. Safeguarding measures should be considered for the suspect and relevant others.

5.3.3 A risk assessment should be undertaken and kept under review see para 4.1c.

5.3.4 Formal contact should be made with the vigilante group to request removal of video / footage from any social media or webpages and not to upload any further footage. Existence of any associated material on the internet or in a public forum could have a significant impact on any court process. There may be a force SPOC or SIO already identified to make the appropriate contact to facilitate this.

## **6 Key Custody Principles**

6.1 Within the suspect interview, particular attention should be paid to establishing what contact the suspect has with children, within their family, their employment and their social life. Safeguarding of children is of paramount importance.

6.2 Attention should also be paid to how the suspect perceives their encounter with the vigilante groups will affect their everyday life following their release from custody. This should form part of the overall risk assessment. Attention should also be paid to how the incident could potentially affect the suspect's wider family and should be included within an overall risk assessment evaluation.

6.3 **S31(1)(a)(b)**

## **7 Release of suspect from custody – Risk Assessment**

7.1 Strong consideration should be given to a pre-release risk assessment by a Force Medical Officer (FMO) or a mental health nurse while the subject is in custody. Suspects and offenders of CSA are known to pose a high suicide risk.

7.2 S.37(7) bail conditions should be considered, for example – Not to have any unsupervised contact with anyone under the age of 16 years in order to reduce the risk of the suspect committing a contact offence against a child and to protect the suspect from malicious allegations.

### 7.3 **S31(1)(a)(b)**

- 7.4 There is a need to take immediate action to make vulnerable people safe. This could include bail conditions preventing attendance at specified places.
- 7.5 If the suspect has contact with children through their family, employment or social life, a child at risk referral should be made to the force child abuse team / MASH / Social Services as soon as practicable following the suspect's arrest and ideally prior to their release.
- 7.6 If the suspect has access to children through their work, then a referral should be made to the LADO (Local Authority Designated Officer) who will ensure relevant safeguarding and suspensions are carried out as appropriate.
- 7.7 Prior to a suspect's release, the opportunity should be taken to signpost to them details of relevant support agencies as part of the overall risk management plan e.g. stop-it-now leaflet / contact details for the Lucy Faithfull Foundation.

The appropriate web addresses are:

<http://www.stopitnow.org.uk/>

[www.lucyfaithfull.org.uk](http://www.lucyfaithfull.org.uk)

## **8. Preserving online accounts**

### 8.1 **S31(1)(a)(b)**

8.2 **S31(1)(a)(b)**

8.3 **S31(1)(a)(b)**

8.4 **S31(1)(a)(b)**

## **9. Community Impact Assessment**

9.1 Officers should liaise with the appropriate Local Policing Supervisor to consider the necessity for a community risk assessment to be completed.

## **10. Signposting to supporting documents & guidance**

10.1 Suicide prevention guidance for IIOC offenders (*available on the College of Policing APP website*)

  
FW Suicide  
Prevention interim gui

10.2 IIOC families of offenders leaflet

  
IIOC Families of  
Offenders Leaflet.pdf

10.3 IIOC Offenders leaflet

  
IIOC Offenders  
Leaflet.pdf

10.4 Lucy Faithfull foundation [www.lucyfaithfull.org.uk](http://www.lucyfaithfull.org.uk)