



Helpful Family Pack

Why have I been given this booklet?

You have been given this booklet because a family member has been arrested in relation to online sexual offences involving children.

You may be wondering what is happening and what will happen next. This pack has been designed to provide you with information surrounding the police investigation into online offending, in particular that of Indecent Images of Children (IIOC). This pack will explain different stages of the legal process, from initial police attendance, to first 24 hours in custody, and what happens thereafter to hopefully answer some of your questions.

It is important to realise that you are not alone. There is a list of useful contacts and information at the end of this Family Pack that will help you.

"My mind was racing and I couldn't seem to hold one theme for long as it was all so confusing. If the Police are telling me the man I married is being arrested for this crime I believe they have good grounds, BUT Tim just wouldn't have done something so abhorrent, would he?" – reference taken from an ex-partner.

When officers leave, they will provide you with a single point of contact of the officer in the case e.g. telephone number, email etc. – *this can also be found at the front of this pack.*

Officer's details:

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Language;

IIOC – Indecent Images of Children. UK law states that a child is anyone under the age of 18.

This pack will use the term 'subject', to refer to a person being investigated.

We have tried to limit the use of 'legal' and 'law enforcement' jargon as much as possible.

● The Law

In the United Kingdom you can consent to sexual activity at the age of 16. However by law, a child is defined as any person/s under the age of 18.

Viewing IIOC of any persons under the age of 18 is an offence in the UK.

What are Indecent Images of Children (IIOC)?

Section 1 of the Protection of Children Act 1978 creates various offences regarding the taking, making or distributing indecent photographs (or pseudo-photographs) of a child.

It is "an offence to take, to permit to be taken, to make, to possess, show, or to distribute or publish an image of a child posed or pictured indecently, for example in a sexual way. This can also include images of adults involved in indecent act where a child is present but not themselves portrayed indecently. Images can include actual photographs or video footage, drawings or tracings, or images created digitally.

'Making' an indecent image does not just refer to a person taking a photo or video - it can also refer to a person downloading or printing an indecent image, or opening an email attachment containing an indecent image."

For more information on the law and types of offences, please refer to: (<https://www.cps.gov.uk/sexual-offences>)

● What has happened?

Police have attended your address, acting on information provided to them by various agencies or a third party report from a member of the public. Each case is different.

To prevent unnecessary attention by members of the public, officers will normally attend in plain clothes. However, officers will have their warrant cards for identification and would have presented them to you upon arrival.

Warrant

Often police will be in possession of a warrant obtained from a Magistrate or Judge at court.

The warrant will contain information which explains what officers are searching for and why. (Officers will be searching for any devices capable of storing IIOC).

Devices

Devices are all types of electronic equipment capable of storing images. This will not be specific to the subject, and may include all family member's devices. Devices include items such as; mobile phones, laptops, tablets, USB storage devices and hard drives etc., and may also include gaming consoles such as PlayStation and Xbox.

You may be requested by officers to provide the password/s for these devices. Failure to provide the correct password may result in possible criminal offences.

Officers are normally in company with digital forensic experts, who carry dedicated equipment to examine the devices. All devices that have been examined and found **not** to contain IIOC, will be returned at that point or a later date should the devices need a more thorough examination. If devices are found to contain IIOC, they will be removed from the address for a full forensic examination. Unfortunately, due to the nature of the work we cannot be specify on how long this will take.

Individual forces may have slightly different procedures. Please check with the officer in charge of the investigation.



● A Family Member Has Been Arrested – what happens next?

At this point you may be wondering **what is going on** and **what is going to happen**. You may wish to seek support from family members/friends. Police will never disclose to family/friends the reasons for the arrest. This is to protect you and your family from any unwanted attention.

The officers will tell you which police station the subject will be taken for interview. It is important to realise that you will not be able to speak with them face to face whilst they are in police custody. However the subject has the right to inform somebody of their choice that they are in custody – this may be by telephone if appropriate. If you are unable to speak with them via telephone, the officer in the case may be able to advise you as to why you can't speak with them at this time.

The subject has the right to independent legal advice, free of charge or they can appoint their own solicitor. It is important to understand that officers dealing with the case will be working extremely hard gathering evidence and interviewing the subject, so there may be long periods of silence. You are more than welcome to speak to the custody officers at the police station where they are being held to ask for an update.

This can be done by calling IOI and requesting to speak to the Custody Sergeant at the police station, where the person is being held in custody.

Whilst they are in custody, the subject's health and wellbeing is a priority and if required a doctor or a nurse will attend to give medical support.

● Social Services

If the subject has access to children (under 18), the Police will notify Social Services of their involvement with the person.

The procedures of Children's Social Services will vary from case to case. On receiving the police referral, Social Services will contact you as a family to make further enquiries. As a result of these enquiries and checks with other agencies a decision is made on how best to support the family. Possible outcomes are that; the referral will close with no further action, will close on the basis that support services are offered, or it may be that social services may undertake a further assessment and/or follow the child protection process.

● What is meant by "Remanded"?

Depending on the severity of the offence and/or the subject's offending history (if any), it is possible that the subject will be remanded into custody.

This means they will remain in police custody until the next available court session. They will continue to have the right to free and independent legal advice while they remain in custody.



● What is "Police bail" and what are "Police bail conditions"?

After arrest and interview and depending on the circumstances, officers may seek to release the subject on police bail.

Police bail is when the subject has been released from police custody whilst the investigation is still being conducted and is required to return to the police station at a given date and time. This means, police have insufficient evidence to charge at this time and need to conduct further enquiries.

In order to protect vulnerable persons, the subject may have certain conditions placed upon them. This is referred to as 'Conditional Bail' and can include conditions such as;

- living at a particular address
- not contacting certain people
- surrendering their passport to the police so they cannot leave the UK
- reporting to a police station at agreed times, e.g. once a week
- not to have any unsupervised access to children under the age of 18 – this may include their own children
- Restrictions placed on their internet activity e.g. not to delete search history, not to use a device that does not record the search history and not to use incognito mode.

If they don't adhere to these conditions they may commit further offences and be arrested again. This could lead to them being remanded in custody until their court hearing.

Where there are no conditions imposed, a subject whilst on bail will still be required to attend a police station at a set date and time. This is referred to as unconditional bail.

The subject will be given a date to re-attend the police station to answer bail. If they are then charged, the conditional bail remains until they attend at court.

Please be mindful that the length of time on police bail may vary throughout the investigation due to the complex nature of the case.

It is important to realise that these conditions are in place to prevent the subject from committing further offences and to safeguard the most vulnerable persons in our society.

The subject's legal representative will be available to offer more advice in regards to the police bail process.

● If a Family Member is charged

When the police have finished their investigation, they may pass the case to the Crown Prosecution Service (CPS). The CPS will make a decision as to whether the subject should be charged or not. Cases involving IIOC will invariably be passed to CPS for a charging decision.

If the CPS decide there is sufficient evidence to charge, the subject will be either required to attend a police station to be charged or they will be charged on the day they answer bail.

● **If a Family Member is not charged**

If the CPS or police decide there is insufficient evidence to charge, the subject will be released from police bail with no further action at that time.

More information can be found on the CPS website:
<https://www.cps.gov.uk/>

● **What is meant by “Released Under Investigation (RUI)”?**

Depending on the circumstances, the subject may be released under investigation. This means the subject has no bail conditions. However the police investigation is still ongoing and an officer will keep the subject updated with case progress.

Following this, the subject may be required to attend a police station again for interview, they may be charged or a summons issued to attend court, or no further action will be taken. Only when the police advise the subject that the investigation is completed will the investigation conclude.

● **What is postal charge/ requisition?**

Following the subject being released under investigation a postal charge/requisition may be issued (sometimes known as “summons to court”). The postal charge/requisition is a legal document which tells the subject that they are to be charged for criminal offence/s. The requisition will tell the subject to appear before a specified Court, to answer the charge/s.

● **What is a “Sexual Harm Prevention Order (SHPO)”?**

A SHPO is an order given by the Court to a person who poses a risk of sexual harm to either the general public or to an individual person. It is given to a person who has been convicted or cautioned for an offence listed within the Sexual Offences Act 2003.

A person with a SHPO will be recorded on the Sex Offenders Register. A SHPO is recorded on the police national computer, and will remain there until its expiry date or indefinitely (dependant on the length of the order).

A SHPO can last for a minimum of 5 years or until a further order is made.

A SHPO consists of prohibitions, which may include restricting access to vulnerable persons i.e. contact with children may only take place under supervised conditions. In certain circumstances contact may be supervised by a parent/guardian and/or Social Services.

● **The Sex Offender Register**

A person who is subject to the requirements of the Sex Offenders Register will be assigned a Police Manager, which will be in addition to any assigned Probation Officer.

A Police Manager may be a plain clothes officer or police staff member who will risk assess and manage the subject to protect vulnerable persons and also reduce the likelihood of future re-offending. The amount of visits by the Police Manager will vary depending on a case by case basis.

● **Safeguarding**

The police have a duty of care to safeguard the most vulnerable members of society. Invariably in cases such as these, police and partner agencies, such as Social Services may feel there is a potential risk of harm to children.

You may feel like the family member in question poses no risk to the children that they are in direct contact with (e.g. their own children). Nevertheless our number one priority is the safeguarding of children and vulnerable people. (This may

help explain the bail conditions mentioned previously).

If your child / children are at immediate risk of harm or you believe a criminal offence is being committed, dial 999 immediately.



● Where can I seek advice or discuss any concerns I have?

Your well-being:

The **Lucy Faithfull Foundation (LFF)** work with all those affected by internet offending. Their Family and Friends Get Help website is a site for wives, partners, parents, all adult family members and friends of people who have been known or suspected of accessing IIOC or engaging in other inappropriate sexual behaviours involving children. The site also includes a link to a 'Family and Friends Forum', which is a space for family and friends of people who have been accessing IIOC online, visit: <https://get-help.stopitnow.org.uk/family-and-friends/family-and-friends-intro> for more information.

LFF also run a **Stop it Now!** confidential helpline for anyone with concerns around child sexual abuse: **0808 1000 900**. The helpline is available from 9.00am – 9.00pm Monday to Thursdays and 9.00am – 5.00pm Fridays. Further information on Stop it Now! Visit: <https://www.stopitnow.org.uk/>

Children can contact **Childline** on **0800 111** for free and confidential advice or visit: <https://www.childline.org.uk/>

The **Samaritans** are available for everyone, no matter what they are going through. Their help is confidential and available

24/7 365 days a year. You can call for free on **116 123** or visit <https://www.samaritans.org/> for more information.

They also have local branches in; Cardiff, Bridgend and Newport. For information on local branches visit:

<https://www.samaritans.org/branches/>

A Sexual Assault Referral Centre (SARC) provides services to victims/survivors of rape or sexual assault regardless of whether the survivor/victim chooses to report the offence to the police or not. Your local SARC can be found online. For further information on how a SARC works, you can visit New Pathways: <http://www.newpathways.org.uk/sexual-assault-referral-centre/#sl> or call New Pathways on 01685 379 310. Alternatively, visit the NHS for information regarding SARCs.

In terms of your own personal health and wellbeing, your GP should be able to assist you in the first instance. If you need other specialist help, your GP will be able to refer you to the relevant support. We understand that crimes of this nature may be uncomfortable to discuss, however GPs are bound by rules of confidentiality.

Information on child protection systems:

The NSPCC has information on child protection systems and laws for each of the UK's 4 nations. This covers most aspects of safeguarding and child protection, visit:

<https://www.nspcc.org.uk/preventing-abuse/child-protection-system/>



Your legal concerns:

For advice and support on the legal process a legal representative such as a solicitor will be able to advise you. You can seek for a Solicitor online. The officer investigating your case will also be able to advise you.

You might be able to get free and confidential advice from **Civil Legal Advice (CLA)** as part of legal aid. To check if you're eligible and for further information visit: <https://www.gov.uk/civil-legal-advice>

Your finance concerns:

Citizen Advice offer free advice online, over the phone, and in person. For more information visit:

<https://www.citizensadvice.org.uk/wales/>

Further Information and Help:

Internet Watch Foundation (IWF) – This organisation encourages anonymous reporting of child sexual abuse content and non-photographic child sexual abuse images visit: <https://www.iwf.org.uk/>

DEWIS – an All-Wales directory on all the services and support available across Wales. It includes information and advice on your well-being, or if you want to know how you can help someone else. Well-being doesn't just include your own health. It also includes things like where you live, how safe and secure you feel, getting out and about, and keeping in touch with family and friends. Visit: <https://www.dewis.wales/> for more information.

CrimeStoppers: Should you wish to report a crime anonymously, by telephoning Crimestoppers on **0800 555111**.



