

1 Monday, 20 May 2019
2 (10.30 am)
3 THE CHAIR: Good morning, everyone, and welcome to Week 2 of
4 this public hearing.
5 Ms Carey?
6 MS CAREY: Thank you, chair. Chair, can I ask please that
7 Mr Jones is sworn.
8 MR ROBERT JONES (sworn)
9 Examination by MS CAREY
10 MS CAREY: Please take a seat, Mr Jones. Thank you.
11 You are Mr Robert Jones; is that right?
12 **A. That's correct.**
13 Q. You are currently the director of the threat leadership
14 for the National Crime Agency?
15 **A. That's correct.**
16 Q. Can I ask you, please, what does that role entail?
17 **A. That role entails leading the national response to**
18 **tackle serious organised crime threats, the most**
19 **significant one being, for this hearing, that of child**
20 **sexual exploitation and abuse.**
21 Q. I think you joined the National Crime Agency in 2013.
22 Initially, it involved in border investigations but,
23 in December of 2017, became the deputy director of CEOP
24 or the Child Exploitation and Online Protection Centre?
25 **A. That's correct.**

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1 **good relationship with providers in the UK, and the --**
2 **the current regime works well in terms of taking down**
3 **material in the UK.**
4 Q. As far as the NCA is concerned, there isn't a need for
5 a similar obligation as there is in the States to apply
6 to UK-based companies?
7 **A. At the moment, the situation is that we've got a regime**
8 **that works, we obviously have the Online Harms White**
9 **Paper, which is out for consultation at the moment, and**
10 **all of those issues can be considered as part of that**
11 **consultation.**
12 Q. In terms of how the NCMEC reports end up in the UK,
13 though, is this right, a report to NCMEC is known as
14 a CyberTipLine report?
15 **A. That's correct.**
16 Q. That report will contain various pieces of information,
17 including, perhaps, a mail address, an IP address,
18 a time stamp, for example?
19 **A. That's correct.**
20 Q. And then NCMEC what is called resolve, or establish,
21 where the IP address is located?
22 **A. That's correct.**
23 Q. Where that address is resolved to the United Kingdom,
24 NCMEC sends the report to the National Crime Agency?
25 **A. That's correct.**

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1 Q. Chair, you may recall that in phase 1 of the Internet
2 Investigation, we heard from Mr Jones' predecessor,
3 Mr Niven. So I'm not going to go over, Mr Jones, all of
4 the evidence that we heard about how CEOP developed and
5 the NCA developed, but I would like your help at the
6 outset, please, in dealing with the scale of reporting
7 as we are now in May 2019.
8 Now, Director, is this the position, that in the USA
9 there is a legal obligation on companies, who either
10 obtain knowledge of child sexual abuse material or
11 became aware of such material, to report it as soon as
12 is reasonably practicable?
13 **A. That's correct, and that reporting goes to the National**
14 **Center for Missing and Exploited Children, who then, for**
15 **UK referrals, refer them to the NCA Referrals Bureau.**
16 Q. I just want to break down the process of referrals, but
17 the National Center for Missing and Exploited Children
18 is known as NCMEC for short.
19 Can I ask you this, is there any reason, from the
20 NCA's perspective, a call, for there to be such similar
21 obligations on UK companies?
22 **A. So the majority of material that we see hosted is hosted**
23 **overseas; it's an extra-territorial problem. You've**
24 **heard evidence from IWF around the low numbers of**
25 **hosting in the UK, less than 1 per cent. We have a very**

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1 Q. Just help us please, how often do you receive those
2 reports from NCMEC?
3 **A. Those reports are being received 24/7 and 365 days**
4 **a year. If they're urgent, there is an urgent procedure**
5 **where they will come to through to an out-of-hours**
6 **arrangement; during normal working hours, they will end**
7 **up in the Referrals Bureau.**
8 Q. It's on a daily basis the NCA receives these reports?
9 **A. That correct.**
10 Q. Before we look at the numbers of reports that come into
11 the NCA, once a report is received, is this right,
12 NCMEC -- sorry the NCA then has to determine the nature
13 of the offending?
14 **A. That's correct.**
15 Q. And the location of the offending?
16 **A. That's correct.**
17 Q. Why do you establish those two things?
18 **A. So the first point is to identify whether there is**
19 **a criminal offence in the report. Some of those reports**
20 **may be for information and there may not be an offence**
21 **made out, the second point is that we will have a rough**
22 **geographical area from the open-source resolution of the**
23 **IP address, and that will give an indication that the IP**
24 **address has been allocated for a period of time, because**
25 **most IP addresses are dynamic and are reallocated now,**

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1 **that that IP address has been allocated to an area. We**
 2 **then have to go through a formal process to resolve that**
 3 **IP address and ensure that it comes down to a subscriber**
 4 **in the real world.**
 5 Q. Right.
 6 The results of the NCA's work, I think, are graded.
 7 I'd like to ask you a little bit, please, about that
 8 because the chair and panel also heard about the fact
 9 that when law enforcement makes a request from the
 10 companies, there are grades as well as the request, and
 11 I want to make sure we're clear about the grading system
 12 that is firstly applied when the National Crime Agency
 13 grades the report. If it helps you, I'm looking at your
 14 paragraph 22 in your statement onwards?
 15 **A. Thank you.**
 16 Q. Is it right that there are three levels of grading that
 17 the National Crime Agency applies?
 18 **A. That's correct.**
 19 Q. What are they, please?
 20 **A. So a grade 1 would be an immediate threat to life, so**
 21 **a sexual assault of a child, or a young child, is**
 22 **an article 2 risk to that child, and we would**
 23 **immediately action that with police and colleagues to**
 24 **make sure that safeguarding action was undertaken and**
 25 **then a criminal investigation was begun.**

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1 **That said, until we identify the individual and**
 2 **learn more about the individual, it's very difficult to**
 3 **risk assess the referrals at that stage.**
 4 Q. The grading of law enforcement requests to industry, do
 5 they roughly work along the same three types of risk
 6 assessment?
 7 **A. They do.**
 8 Q. And as I understand it, once the results are graded, the
 9 National Crime Agency deals with some of those Cybertip
 10 reports. What determines what the NCA deals with and
 11 what is disseminated to local forces?
 12 **A. So, where at all possible, to prevent delays, we have**
 13 **an agreement with national policing that those referrals**
 14 **will go to the force area where we believe the**
 15 **perpetrator or the suspect is located. So that happens**
 16 **very quickly now and that's based on the open-source**
 17 **resolution of the IP address.**
 18 **There are a number of IP addresses where we're**
 19 **unable to geolocate them using that process and further**
 20 **work needs to be undertaken. Some of those IP addresses**
 21 **may never be resolvable, because of the way IP addresses**
 22 **are allocated, and we need to work through those**
 23 **harder-to-allocate IP addresses, and that's some of the**
 24 **work that the NCA takes on.**
 25 **We may also take on very high priority work where we**

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1 Q. Grade 2, what kind of level of risk is that?
 2 **A. So that's still potentially high risk, there's nothing**
 3 **in this area that is really low risk, because it's all**
 4 **in relation to child protection and safeguarding, so**
 5 **that will achieve a slightly lower level of priority but**
 6 **will be actioned as soon as practically possible. So**
 7 **it's an operational priority, it will be dealt with,**
 8 **but, obviously, anything in relation to immediate harm**
 9 **or contact abuse to a child will be dealt with before**
 10 **that.**
 11 Q. And grade 3?
 12 **A. Grade 3 will be -- again, it's still a priority and it's**
 13 **still something for grave concern for us, but in terms**
 14 **of the relative priorities of the other two, it will be**
 15 **done after them.**
 16 Q. Are you able to give us an example of what might be
 17 considered to be a grade 3 type risk?
 18 **A. So if you go through the type of referrals we get, you**
 19 **could have somebody that was displaying behaviour who**
 20 **was looking at indicative images or category C images,**
 21 **and, if you compare and contrast that to somebody in**
 22 **a position of trust that is looking at category A images**
 23 **and may be in a position of trust, there's a clear**
 24 **difference between the two in terms of what we know at**
 25 **that stage.**

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1 **need an immediate response because a child is at risk.**
 2 Q. Right.
 3 You've mentioned, I think, on a couple of occasions
 4 now what you term "open-source resolution" of the IP
 5 address. So far as you are able, can you put that into
 6 layman's term?
 7 **A. There is publicly available information which will give**
 8 **you an area where an IP address may be located, but, as**
 9 **I've explained, that is not 100 per cent accurate, and**
 10 **it's a guide, and we use that guide to locate it in**
 11 **a force area to allow policing colleagues to then deal**
 12 **with it.**
 13 Q. I think you say at your paragraph 23 that, at
 14 a worldwide level, reports of child sexual abuse
 15 material submitted to NCMEC have increased from around
 16 110,000 reports in 2004, to over 18.4 million reports in
 17 2018?
 18 **A. That's correct.**
 19 Q. Now, can we, bearing in mind the worldwide figures, have
 20 a look at the UK figures, please? Can I ask that it's
 21 called up on screen NCA000363_010 and 011, which is
 22 a table at your page 10 in your statement, Mr Jones.
 23 If possible, can we highlight the two tables?
 24 Thank you very much.
 25 I think summarised here is the number of UK industry

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1 reports received primarily from NCMEC. One can see that
 2 in 2009, so ten years ago, there were 1,591 reports. If
 3 we jump forward to 2018, there are set out there 113,948
 4 reports.
 5 But there is a -- I'd like to ask you, please, as
 6 a potential caveat to the 113-odd-thousand figure,
 7 because I think that includes what are called
 8 non-actionable referrals?
 9 **A. Mm-hm.**
 10 Q. I'd like to ask you, please, what are non-actionable
 11 and, if it helps, we may show up on screen NCA000354_008
 12 and 009.
 13 Chair that will be behind your tab 2.
 14 Now, this is a graphic that is set out in evidence
 15 submitted to the Home Affairs Committee, and it is
 16 based, I think, on 2017 figures. It's not the figures
 17 that I'm so much interested in Mr Jones --
 18 **A. Yes.**
 19 Q. -- but the process by which the National Crime Agency
 20 receives the reports and then ends up with a different
 21 number of potentially actionable reports. Can you,
 22 stage by stage, talk us through what the National Crime
 23 Agency do?
 24 Chair, I'm sorry, it's behind tab 2 at pages 8 to 9.
 25 It should look like that.

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1 Q. So you would strip out that kind of informational
 2 report, and then, what's the next stage after that?
 3 **A. The next stage of that report is, within what's left of**
 4 **that bulk, there will be duplication. So because of the**
 5 **way the referral regime works, it does generate**
 6 **duplicate reports, so we've got to strip those out as**
 7 **well and that results in some further attrition in terms**
 8 **of the overall numbers.**
 9 Q. Once the duplicates have been removed, what's the next
 10 stage?
 11 **A. So as you then move through, you're left with a category**
 12 **of referrals which is described as "no identifiable**
 13 **criminal offence". Now, because of the way this**
 14 **material is sent to us, some of these referrals are**
 15 **quite complex, there may be an issue in relation to the**
 16 **age of the individuals in the imagery, there could be**
 17 **a whole range of factors, which mean that, after closer**
 18 **analysis, once that bulk is taken out, we can't actually**
 19 **identify an offence being made out in the UK.**
 20 Q. If there's no actual criminal offence identified,
 21 clearly that will remove a further tranche of reports.
 22 From there, what's the next stage?
 23 **A. So the next stage in that process is the geolocation**
 24 **that I described of putting an IP address to a rough**
 25 **geographical area, a false area in this context.**

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1 **A. Okay. So if we start at the left of that work flow,**
 2 **because this, in essence, replicates the work flow that**
 3 **the Referrals Bureau, the NCA and national policing are**
 4 **going through day in, day out.**
 5 **So this graphic describes a non-regulated regime**
 6 **where, in essence, an NGO in the US is dealing with raw**
 7 **reporting in relation to potential offences.**
 8 **So we start with a quite a raw dissemination based**
 9 **on an abundance of caution from the US, so that includes**
 10 **a series of different categories, everything from**
 11 **potentially high-risk offences and category A images**
 12 **through to lower level images.**
 13 **So we start off with that initial, if you like,**
 14 **tranche of referrals, and then we look at -- and apply**
 15 **some criteria to those referrals. Some of those**
 16 **referrals won't relate to criminal offences and illegal**
 17 **activity and they're described as informational reports.**
 18 Q. What would that include?
 19 **A. So that could include viral images which aren't illegal,**
 20 **they could include indicative material, means, Manga,**
 21 **a whole range of material which are disseminated, as**
 22 **I say, out of an abundance of caution, because there may**
 23 **be the potential for some intelligence value in them;**
 24 **however, they are not really what this regime is**
 25 **designed to detect.**

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1 Q. Why does that mean there is a further rate of attrition
 2 in terms of the number of reporting, is it simply not
 3 possible to work out where the IP address relates to?
 4 **A. That's correct. Not all service providers are able to**
 5 **geolocate an address with us, and so we are left with,**
 6 **then, a harder-to-resolve number of IP addresses which**
 7 **we continue to work on.**
 8 Q. I think the next box talks about, or speaks to,
 9 unresolvable IP addresses. Is that different from the
 10 problems with geolocation?
 11 **A. It is.**
 12 Q. What's that difficulty there?
 13 **A. There are a range of IP addresses which can be very**
 14 **difficult to resolve in terms of the way they have been**
 15 **allocated to the equipment, so the first stage in**
 16 **getting to a real-world identity for an offender or**
 17 **an address where a child may have been abused is to**
 18 **follow that trail of breadcrumbs with the IP.**
 19 **Some of those IP addresses take you to potentially**
 20 **multiple users. Some of those IP addresses could take**
 21 **you to a virtual private network. So there is a range**
 22 **of challenges which we encounter where we'll carry on**
 23 **trying to resolve that address and we'll keep working on**
 24 **it, but the reality is some of those may never be**
 25 **resolved.**

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1 Q. From there, the diagram indicates that there may be
 2 multiple referrals linked to one offender. What is the
 3 difficulty, so far as the NCA is concerned, in dealing
 4 with reports that have multiple referrals?

5 **A. So the first point is trying to tie those down to an
 6 incident and make sure that we are pursuing all of the
 7 offenders that could've had that image. And if there
 8 are duplicates, we need to make sure that we isolate
 9 those duplicate reports and take them out, we also need
 10 to ensure that we are researching that material to
 11 identify whether there is a network or not. So we
 12 continue to grind those referrals to dust until we get
 13 to a viable referral which will take us to an offender
 14 that we can identify.**

15 Q. Can I just ask you this: in that process, there are
 16 a number of obstacles highlighted for why there may be
 17 non-actionable referrals -- things like weeding out
 18 duplicates, for example -- is there any proposal to try
 19 and have technology deal with what may be essentially
 20 quite a simple task, as far as the NCA is concerned?

21 **A. It's not a simple task, unfortunately. We work closely
 22 with NCMEC in the US to weed out as much of this at the
 23 front door as we possibly can. As technology improves
 24 in terms of detection, depending on the way it's applied
 25 by service providers, we can get false positives, we can**

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1 include non-actionable referrals so that we're comparing
 2 like with like?

3 **A. They do.**

4 Q. So there should be no misunderstanding by anyone,
 5 113-odd thousand referrals does not mean 113-odd
 6 thousand offenders, necessarily?

7 **A. That's correct, it doesn't mean that.**

8 Q. No.
 9 Do you have any indication yet, five months, now,
 10 into 2019, how the figures are looking for this year?

11 **A. So the figures continue to grow. I expect them to grow
 12 at the same trajectory that they did last year. And it
 13 continues: the more we look, the more we find in this
 14 area.**

15 Q. That brings me on to my next question. As far as the
 16 NCA is concerned, do you have an explanation for the
 17 growth figure that we see -- particularly, it's 50-odd
 18 thousand between 2017 and 2018? Do you have any sense
 19 of what is behind the growth in those figures?

20 **A. There are a range of things which can contribute into
 21 this. Obviously, technology and mobile technology has
 22 exploded and the internet has exploded, but if you look
 23 at the way that growth has happened and the demand curve
 24 and the fact that we have been arresting a lot of
 25 offenders -- you know, on average, 400 a month at the**

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1 **get duplicates, so there are a range of challenges in
 2 the way that material is disseminated to us.**

3 **So, through closer working with NCMEC, we have
 4 successfully taken out a lot of duplication.**

5 **Unfortunately, that duplication has been replaced by new
 6 referrals as the volumes have continued.**

7 Q. In that process, you told us about the difficulties with
 8 geolocation and perhaps the information that is held by
 9 the various companies, is the NCA doing anything with
 10 the companies where there is a difficulty in resolving
 11 those IP addresses to try and get around that problem?

12 **A. So the NCA and Home Office colleagues work very closely
 13 with service providers to work on issues like this for
 14 law enforcement, so we use the authorities regime under
 15 RIPA as widely as we can to lawfully apply for those
 16 IP addresses to continue to try to resolve them, and we
 17 get a lot of help to do that from Home Office and
 18 service providers, but it is a challenge.**

19 Q. Can I take you back, then, to the actual table of
 20 figures that we were just looking at. If you need the
 21 reference, it's NCA000363_010 and 011.
 22 Chair, back to paragraph 24 in Mr Jones' statement.
 23 Just so that everyone can be clear, clearly, the
 24 2018 figure includes I think it is 46,000-odd
 25 non-actionable referrals. Do the earlier figures also

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1 **moment -- with national policing colleagues, for some
 2 time now, we don't see any sign of that demand
 3 plateauing. So it seems to be getting worse and you
 4 can't explain all of this by technology improving
 5 greater access.**

6 Q. To assist with a sense of scale, I've -- I would like to
 7 ask you, please, about a press release from September of
 8 2018 behind your tab 1. Can we call up on screen
 9 NCA000353_001.
 10 Looking at what this means on a daily or a weekly
 11 basis, I think the press release states that there were
 12 more than 130 suspects arrested over a one-week period.
 13 If one looks at the third paragraph down, during the
 14 recent week of action, 225 warrants were executed,
 15 164 children safeguarded and 131 arrests made for
 16 offences relating to indecent images of children.
 17 Is that across the entire UK or just England and
 18 Wales, do you know?

19 **A. So that was largely England and Wales. And the -- what
 20 this press release press notice represents is the area
 21 of open-web offending which we believe is preventable.**
 22 **And that's the key point about this press release,
 23 that what you see here is, if you like, a week in the
 24 life of national policing and its work with the NCA,
 25 where we are responding at scale to try and deal with**

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1 **the threat.**
 2 **The majority of these images will have been known**
 3 **hashed images -- you've heard a lot about hashing and**
 4 **detection of known images -- so if these individuals had**
 5 **been prevented from accessing these images, some of**
 6 **these offences wouldn't have taken place.**
 7 **This is played out at a time where our knowledge of**
 8 **people who are using the dark web and encrypted services**
 9 **is getting better and that insight tells us there are**
 10 **very high-risk offenders involved in contact abuse as**
 11 **well as these individuals who are accessing material on**
 12 **the open web.**
 13 Q. So there is the more sophisticated offender -- I hate to
 14 use that phrase, but that may be what it amounts to --
 15 using the dark web, but the 131 arrests made in that
 16 week was essentially a standard person going out looking
 17 for indecent imagery of children?
 18 It's perhaps poorly and inelegantly phrased, but
 19 I don't want to misunderstand about what you're saying
 20 about what that 131 arrests actually means.
 21 **A. Unfortunately, there was a very low barrier to entry for**
 22 **offenders who seek access to child abuse images and**
 23 **these individuals have crossed that low barrier to**
 24 **entry. They have been identified and they have been**
 25 **arrested. Concurrently, we know that offenders who are**

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1 **magnitude, the entire figure at this stage was**
 2 **approximately 1.1 million.**
 3 **So at that moment in time, globally, that's what we**
 4 **were seeing.**
 5 **Now, if you look at the UK then, we are one of the**
 6 **lower-volume countries with a purple shade over the UK.**
 7 **If you can see that.**
 8 Q. Yes.
 9 **A. You can see other areas which are orange and red which**
 10 **are high volume.**
 11 **By the time we get to 2017, that figure has gone up**
 12 **to 10.2 million and, by the time we get to 2018, we're**
 13 **now looking at 18.4 million.**
 14 **And if you look at the UK, it's glowing orange, it**
 15 **should be red, that shows the exponential growth in**
 16 **referrals relating to the UK.**
 17 Q. I just want to make sure I understand this. By the time
 18 we're in 2019, the UK would now be coloured in red?
 19 **A. Orange in this.**
 20 Q. Orange, thank you.
 21 In addition to the scale of offending, I think you
 22 touched a moment ago on the types and severity of
 23 offending that is now being encountered by the
 24 National Crime Agency. Are you able to give the chair
 25 and panel any recent examples of cases that speak to the

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1 **much more determined and more sophisticated are also**
 2 **pursuing children. And the issue that plays out is we**
 3 **see offenders who begin their offending journey like**
 4 **this, with a low barrier to access, a low barrier to**
 5 **offending, and then progress to much more serious forms**
 6 **of abuse and much more severe behaviour.**
 7 Q. In a moment, I'll ask you about that progression, but
 8 just finally dealing with the scale of the problem as
 9 far as the UK is concerned, I wonder if you're able to
 10 give the inquiry a sense of where the UK sits in
 11 comparison with other countries?
 12 We obviously heard from the Internet Watch
 13 Foundation on Friday about the content that is hosted in
 14 the UK, but can I ask you, please, about tab 5, and may
 15 we call up on screen NCA000365_001.
 16 Mr Jones, firstly, if you're able to just talk us
 17 through what the graphic means, everyone will see
 18 straight away this is from 2014. Well, let's look at
 19 what the graphic shows, and then, if you are able, give
 20 us a sense of where we are in 2019.
 21 **A. Okay, so this gives you a snapshot of the reports that**
 22 **have been disseminated by NCMEC, it's colour coded, and**
 23 **it's worth bearing in mind that orange is in fact higher**
 24 **volume than red. It's the wrong way around; never mind.**
 25 **You will see high volumes and low volumes in an order of**

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1 severity that is now being encountered?
 2 **A. So, yes, I can.**
 3 **The problem that we face, we see an increase in**
 4 **scale, complexity and severity, and we talk about this**
 5 **because it's very important.**
 6 **All of those three things are happening**
 7 **concurrently. When you see the scale grow, you need to**
 8 **try and meet that demand; when you see severity grow,**
 9 **you need to prioritise high-harm targets; and when you**
 10 **see complexity increasing, you need to innovate.**
 11 **Now, that's what law enforcement is trying to do.**
 12 **The problem that we see is that that isn't being matched**
 13 **by some of the technology companies and industry players**
 14 **to meet that challenge, and the reason it is such**
 15 **an issue for us is that, the more we learn about the**
 16 **threat, the more we see that people have started their**
 17 **offending journey on the open web.**
 18 **So IWF talk about a victim who they anonymised**
 19 **and called Olivia in their report, and you will have**
 20 **heard Susie Hargreaves talking about that victim. So we**
 21 **go from somebody that has been abused in horrendous**
 22 **circumstances and had their image hashed. That abuse**
 23 **image has been made detectable; okay?**
 24 **Now, images like that are being served up on a daily**
 25 **basis internationally. Those images are the starting**

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1 point for many child abusers, and so, if I talk about
 2 some individuals that we've come across quite recently,
 3 so an individual called Tashem Gallagher was arrested
 4 after some horrendous abuse. That individual came to
 5 notice having started their offending journey on the
 6 open web, we believe, and having viewed images for
 7 probably two and a half years. By the time we captured
 8 that individual, he had progressed through a journey
 9 which had taken him through a series of forums who had
 10 told him his behaviour was normal, they had rationalised
 11 his behaviour, he had become desensitised and he
 12 encountered the dark web. When he tried to get into the
 13 dark web forum that he tried to get into, he was incited
 14 to commit contact abuse. They wouldn't let him into
 15 that forum unless he produced new, first-generation
 16 images.
 17 So you have a direct causal link between
 18 an individual who began their journey on the open web,
 19 who ends up speaking to some of the worst offenders in
 20 the world, who is then incited to abuse another child in
 21 the UK and he goes away and does it.
 22 You then talk about Kyle Fox --
 23 Q. One question about, Mr Gallagher, because you spoke
 24 about his progression from viewing images, but you said
 25 there he was viewing images for two-and-a-half years

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1 are people who have to look at horrendous imagery in
 2 great detail to try and work out where that child is.
 3 Through some of that great work, that individual was
 4 identified, there were no clear links to his identity at
 5 that stage. We identified him, he was locked up and has
 6 been sentenced to a significant custodial sentence.
 7 Again --
 8 Q. I'm so sorry to interrupt, can you help us with the age
 9 of these offenders?
 10 A. So in the first case, the ages of the victims were six
 11 months and two years and, in the second case, the ages
 12 of the victims were three years and five years.
 13 Those offenders, in terms of their exact age,
 14 I haven't got those details to hand, but suffice to say
 15 they were quite young, 20-something. Fox was a little
 16 bit older.
 17 The issue is that these aren't people who would
 18 present in the real world as paedophiles, these aren't
 19 people who would be seen as the stereotypical person
 20 that poses a threat to a child. They have lived with
 21 the internet age, they've grown up with it, and they are
 22 a different demographic and a different type of offender
 23 and their behaviour is becoming more severe because they
 24 follow a pathway where they are told that what they're
 25 doing is normal.

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1 and, to the outside observer, the the question might be
 2 posed, well, why didn't law enforcement catch him in
 3 that two-and-a-half-year-period that he was viewing and
 4 downloading these images?
 5 A. So that's a very good question. We've nothing that
 6 we've seen to see that Gallagher was reporting to us
 7 during that period and there was opportunities to arrest
 8 him, because, in the environment that we work, somebody
 9 like Gallagher, if we had a viable referral, as we've
 10 explained, we would chase to the ends of the earth.
 11 So what we see with Gallagher is a pathway where he
 12 goes from the open web to the closed web, using
 13 encrypted facilities to commit some of the worst abuse.
 14 Q. I interrupted you. I think you were going to talk about
 15 somebody called Mr Fox?
 16 A. So Kyle Fox, again, a recent case, that individual was
 17 somebody that was -- developed a sexual interest in
 18 children and quite severe imagery. That became worse
 19 and worse, and, eventually, he uploaded video on to
 20 a dark web site.
 21 Through international co-operation and some highly
 22 specialist work, the NCA was able to identify some of
 23 the videos that Fox had uploaded and, with some victim
 24 identification work -- which, by the way, is undertaken
 25 by real people like Susie Hargreaves referred to; these

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1 That pathway can span many years. It may take them
 2 some time to climb the wall, that is in front of them,
 3 to then engage in contact abuse, but, eventually, many
 4 of these individuals are doing that.
 5 Q. That's why I asked, because there may be a misconception
 6 that the stereotypical person viewing indecent imagery
 7 is perhaps living alone, fifties or sixties, somewhat
 8 reclusive, and I just wondered if the NCA are
 9 encountering that type of individual. It looks, from
 10 what you're saying, that actually you're encountering
 11 much younger, internet-savvy individuals?
 12 A. So we are seeing both. The most disturbing being
 13 internet-savvy, younger individuals. The type of
 14 individual who'd be going to music festivals, going
 15 to -- all the type of things you'd expect people to do
 16 with social media and acquiring relationships and
 17 exploiting vulnerability through knowledge of
 18 technology.
 19 You then have a slightly different type of offender,
 20 which, again, gives you an idea of the scale of the
 21 problem, where we encountered an individual who had
 22 hoarded 2.5 million images. Now, that isn't uncommon to
 23 see people who have successfully downloaded on to their
 24 equipment millions of images.
 25 So the majority of those images, when you get high

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1 figures like that, are known, hashed images.
 2 So how would those images get in to that device --
 3 Q. That's exactly the question I was going to ask.
 4 A. -- and how do they land there?
 5 Q. Mm.
 6 A. So we can't see how those images land. Typically, by
 7 the time we get to those images and we retrieve them
 8 with digital forensics, the browsing history, the full
 9 understanding of how those images have got there isn't
 10 there. We're working hard to understand that, but
 11 suffice to say, they're hashed, they have been
 12 successfully downloaded and the majority of these
 13 individuals haven't got particularly sophisticated
 14 equipment that they're using to do it.
 15 Q. Do you know over what period of time that 2.5 million
 16 images was downloaded?
 17 A. We can't say for certain. But, again, that individual
 18 had been doing this for some time and had acquired --
 19 Q. Months, years, what are we talking about?
 20 A. Definitely months, probably longer than that.
 21 Q. Have you encountered many recent examples involving
 22 either grooming or live streaming?
 23 A. So we have another example very recently of
 24 an individual involved in live streaming, who we
 25 prosecuted using section 72 of the Sexual Offences Act.

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1 these cases.
 2 So with machine learning, artificial intelligence
 3 and any solution that's going to detect at scale, you
 4 need access to the material and an understanding of the
 5 material, and being able to provide that is a key part
 6 in developing -- of developing new solutions, and this
 7 is an example of that.
 8 Q. I think you say there that the information is being used
 9 to inform companies of the ways in which a threat
 10 manifests itself online, in order that the companies
 11 could propose potential solutions to the different live
 12 streaming models.
 13 Give us a sense: how much collaboration is there
 14 between the NCA and the companies in terms of the threat
 15 posed by live streaming?
 16 A. So there is good and regular dialogue. We find the most
 17 effective engagement with industry is bilateral. One of
 18 the challenges that we have is that, when we discuss
 19 these issues with industry, it is very, very difficult
 20 to get the level of openness and transparency amongst
 21 all of the companies at the same time.
 22 Q. Why --
 23 A. Erm --
 24 Q. -- as far as you're concerned?
 25 A. I guess there may be a challenge around commercial

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1 That individual incited abuse in the Philippines and in
 2 a range of other environments.
 3 Again, when people develop an appetite for this type
 4 of material, and they go through a period where they are
 5 increasingly aroused by increasingly severe images, they
 6 will actively seek them out, and, as that
 7 desensitisation continues, some of that will mean that
 8 they incite new abuse of new victims, and that is
 9 exactly what happens in some of the live streaming cases
 10 that we see.
 11 Q. I think, so that everyone understands, section 72 allows
 12 for the prosecution of a UK national, UK resident, but
 13 for offences committed outside the UK; is that correct?
 14 A. That's correct.
 15 Q. In relation to live streaming, may I ask you about your
 16 paragraph 61, please, Director, and the work that the
 17 NCA is doing to try and combat the problem of this harm?
 18 I think you say there that the NCA has provided
 19 support to the Home Office in its work with the Joint
 20 Security and Resilience Centre. It's not a centre that
 21 we have heard any evidence about; what is the Joint
 22 Security and Resilience Centre?
 23 A. So this is an excellent initiative to bring industry and
 24 technology companies together with law enforcement to
 25 allow us to provide insight about what we see in some of

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1 advantage, I guess there may be a challenge about brand,
 2 equity, I think that question is best addressed to
 3 industry. There are good joint forums where we work
 4 very effectively together, but, when you get to the real
 5 detail of what's happening on networks, platforms, the
 6 level of transparency that we need to solve this problem
 7 is hard to achieve with some of these companies in one
 8 place, so we reach out to them individually and we'll do
 9 the best we can, and we work with joint forums in the
 10 best way we can as well.
 11 Q. One of the things you say in your statement is that
 12 you've worked with these companies with discretion over
 13 a number of years.
 14 I just wondered if there is a sense that perhaps the
 15 NCA has felt unable to criticise internet companies when
 16 in fact public condemnation and criticism is in fact
 17 due. Why is it the NCA doesn't call out those that are
 18 failing to do that which they should?
 19 A. So the NCA has been working very closely with industry,
 20 and I think it's important to recognise that we do some
 21 fantastic, great work with individuals who are working
 22 in all of the companies that are being talked about.
 23 When we give a properly authorised, lawful request
 24 for a very specific piece of evidence or intelligence,
 25 we will get it, if it can be provided, if it isn't out

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1 of our reach because of encryption or for another
 2 reason. That industry response is largely reactive and
 3 when we ask, we get. The proactivity of going on the
 4 front foot to deal with all of this and meet this
 5 threat, isn't what we would like it to be, and the
 6 challenge for us is that calling out one company doesn't
 7 help, because the internet is a global phenomenon and we
 8 need everybody to get behind the objective of reducing
 9 access to these images.

10 Understanding what good looks like is positive. So,
 11 you know, one of the reasons we'll come on to talk about
 12 this, no doubt -- we talked about kitemarking -- is
 13 understanding what good looks like is a very positive
 14 thing.

15 The reality is that so much is getting through the
 16 current defences that are in place, that it would be
 17 probably unfair to name and shame one company without
 18 giving specific operational context.

19 Q. I ask you about it in its general sense because the
 20 chair and panel may hear from a witness this afternoon
 21 who has called for there to be a boycott by the public
 22 on social media companies that don't step up in its
 23 response and, if we don't know who they are that are not
 24 doing what they should, it's going to be difficult to
 25 boycott them.

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1 well, actually, you should be saying that so and so
 2 isn't doing so well, because it has that response, or
 3 provokes that response, from those companies? Why not
 4 think about that as a potential approach?

5 A. So we have been very, very transparent about our asks of
 6 industry and in fact distilled that down to three
 7 specific asks. My point is --

8 Q. I'm going to come on to those.

9 A. -- we ask them of everyone, and you're only as good as
 10 your weakest link when you're dealing with the internet.
 11 If one company doesn't pursue those objectives, then,
 12 because of the way the internet works, very, very
 13 quickly those other objectives are going to be
 14 undermined. So it does help for the public and
 15 consumers and customers to know, but it isn't as simple
 16 as moving episodically from operation to operation and
 17 saying "That's bad" and "That's good". We need
 18 a consistent, collaborative approach across all of those
 19 platforms.

20 Q. In relation to a collaborative approach, can I ask you,
 21 please, about your paragraph 18 in your statement,
 22 Mr Jones, and the NCA's support for the Home Office in
 23 the lead-up to the November 2018 Hackathon in relation
 24 to the threat posed by online grooming.
 25 Can you give us the NCA's perspective on both the

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1 No doubt, you're aware of Chief Constable Bailey's
 2 comments in relation to a media boycott, but how does
 3 that fit in with what you have just told us and the
 4 NCA's desire not to name and shame?

5 A. So it does fit in, because what Mr Bailey is advocating
 6 is allowing parents and carers to make an informed
 7 choice, and my point about understanding what good looks
 8 like will lead you very, very quickly to understand
 9 where things aren't unregulated and people aren't making
 10 an effort. So by calling people out in that way, people
 11 are allowed to make an informed choice and, ultimately,
 12 it is up to the public, it is up to carers and parents
 13 what they do if they see no signs of a safe environment
 14 being created on those platforms and, if they want to
 15 boycott it, that's a decision that they can make.

16 Q. One final point on this topic.

17 During the course of last week's hearings, a number
 18 of the witnesses were asked for their comments on press
 19 reporting that had been ostensibly negative to the
 20 companies where they had perhaps allowed this material
 21 over WhatsApp or on Google all sorts of different
 22 companies and that provoked a response by them, which
 23 was generally a good response, requiring them to look at
 24 their systems and develop new technology.
 25 Is there not, perhaps, a contrary argument to say,

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1 Hackathon and the work that is being done to combat the
 2 problem of grooming?

3 A. So we welcome events like this and, indeed, we work very
 4 closely with Home Office colleagues to make sure there
 5 were very detailed operational briefings around what
 6 could be done to make a difference and, indeed, some of
 7 the challenges that we were seeing with these companies.

8 I think the issue for me is delivery. So this
 9 was November 2018, we still see our figures peaking, we
 10 still see increased volumes and we still see offending.

11 So whilst this is a really good piece of work, what
 12 we need to see is the next stage and, because of the
 13 pace of the problem -- you know, I'm counting progress
 14 in days, weeks and months, not years, because if we wait
 15 years we'll see those figures go up by another
 16 10 million. So the real challenge for this type of
 17 event -- you know, what's not to like about very clever
 18 people in Silicon Valley coming together and writing
 19 code to detect child abuse? Brilliant. What we need is
 20 the delivery and prevention of that offending and we are
 21 not seeing that at the pace that we should.

22 Q. What does the NCA do to try and encourage the pace?

23 A. We share as much insight as we can with industry --
 24 again, we'll talk about that later. When we identify
 25 new threats, we will share that across industry, not

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1 with just one particular player.
 2 Our understanding of the threat and our insight into
 3 the threat from these investigations is probably one of
 4 the most important things that we can share. Because of
 5 the Crime and Courts Act and section 7 of the Crime and
 6 Courts Act, the NCA is able to share material quite
 7 widely and we will work very hard to declassify material
 8 from intelligence and criminal investigations to share
 9 that with industry, to say, "Here is a gap in your
 10 defences. Please go after it. It's causing a problem",
 11 in simple terms.
 12 Q. Before turning to those three asks, there's one other
 13 document I'd like to ask you, please, behind your tab 4
 14 Director. May we call up on screen NCA000364_007 and
 15 008.
 16 In a moment, we will see an extract from the 2019
 17 national strategic assessment, I just want to ask you,
 18 please, what is the national strategic assessment,
 19 what's its purpose?
 20 **A. So the legislation which created the NCA creates**
 21 **a statutory purpose. One of the things that the NCA has**
 22 **to do is give an authoritative view of the threat from**
 23 **serious and organised crime. Child sexual abuse and**
 24 **exploitation in the UK is so serious, it's treated as**
 25 **a tier 2 national security threat and, as such, is part**

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1 a child directly by the offender via a webcam?
 2 **A. That's correct.**
 3 Q. So the harm caused by online-facilitated child sexual
 4 abuse remains one of the key purposes of the National
 5 Crime Agency and that brings me on, please, to the three
 6 asks that were made of industry, I think in March 2018.
 7 Can I ask us, please, to look behind tab 2 where they
 8 are set out at NCA000354_004 and 005.
 9 This is another extract from the evidence submitted
 10 to the Home Affairs Committee on policing in March.
 11 If one looks at page 4, at the bottom of that page, if
 12 one turns to the first of the three asks -- can we just
 13 highlight that, please?
 14 I want to go through the key asks and understand
 15 what it is actually the NCA are asking of industry, and
 16 why NCA thinks that this is going to help combat any
 17 particular given problem.
 18 May we start, please, then, with what is termed as
 19 prescreening and prefiltering of material that is
 20 uploaded or downloaded.
 21 The document here draws distinction between the
 22 known images and what are called first-generation
 23 images, ie those that the offender has taken for
 24 themselves which might indicate that they have access to
 25 children.

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1 of the serious organised crime strategy and our
 2 strategic assessment.
 3 So this is an all-source report with access from
 4 everything from the intelligence agencies through to
 5 NGOs which describes the threat, that then allows us to
 6 prioritise resources against the threat as defined in
 7 the assessment.
 8 So it's got a lot worse, we've described that, and
 9 we've described that publicly because we need to meet
 10 that threat, we need to allocate resources to it in
 11 order to do it.
 12 Q. I think if one looks at some of the detail contained on
 13 page 8 there, it sets out that child sexual abuse and
 14 exploitation remains a high volume offence, that the
 15 majority of offending exists on the open web -- I think
 16 you already alluded to -- but offenders are using the
 17 dark web to pursue what is described as more niche
 18 material and using anonymisation technology to lower the
 19 risk of detection.
 20 In 2018, 2.88 million accounts were registered
 21 globally across the most harmful CSEA dark web sites as
 22 assessed by the NCA.
 23 It goes on to say that live streaming remains a key
 24 threat with UK-based offenders paying overseas
 25 facilitators to abuse or to arrange the sexual abuse of

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1 So breaking it down, prescreening and prefiltering
 2 of known images, what is it that the NCA actually wants?
 3 **A. We want to stop these images from proliferating, so one**
 4 **of the problems that can be solved with technology**
 5 **because of hash sharing and PhotoDNA, and all of the**
 6 **processes that you've heard about, which are now being**
 7 **added to with machine learning and artificial**
 8 **intelligence, that technology can prevent offending.**
 9 **So what do I mean by that? I mean, you can stop**
 10 **an offender from accessing a known image because it's**
 11 **been hashed, it's detectable, it's an illegal commodity**
 12 **which is moving digitally. So if you prevent access to**
 13 **that, you prevent an offence. It's as simple as that.**
 14 **So when you have a new, first-generation image, that**
 15 **is gold dust for law enforcement, because there is**
 16 **a child that needs to be safeguarded. So we need to be**
 17 **able to concentrate on those high-quality referrals**
 18 **about the worst behaviour, which is incitement and new**
 19 **contact abuse.**
 20 **So the trade-off that we have here is that, if**
 21 **industry can squeeze that problem with their best**
 22 **technology and their best accesses to prevent people**
 23 **accessing images, that frees up capacity and capability**
 24 **to chase first-generation images and safeguard children**
 25 **as quickly as possible.**

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1 **You've heard the statements of victims and**
 2 **survivors, you've heard the IWF describe what plays out.**
 3 **These images recirculating is completely unacceptable**
 4 **and if you can detect them with technology, you simply**
 5 **must, to allow law enforcement and a whole range of**
 6 **partners to concentrate on the worst offending, which is**
 7 **new images.**
 8 Q. So the prevention of access at the outset would go in
 9 some ways, so far as the NCA is concerned, to deal with
 10 the sheer volume of referrals that are being encountered
 11 by the NCA?
 12 **A. So it isn't as simple as that.**
 13 Q. Ah.
 14 **A. By asking for this, volumes could go up in the**
 15 **short-term. The reality is, if volumes went up in the**
 16 **short-term and there was a change and a shift in the**
 17 **system which allowed us to improve the response to child**
 18 **protection, which is getting to victims more quickly,**
 19 **then that is a trade-off we would all have to accept.**
 20 **But, ultimately, if you keep squeezing that problem,**
 21 **we know where to look, we know who to pursue, and we**
 22 **haven't got that daily triage process that we're talking**
 23 **about with millions of known images recirculating.**
 24 **That game of Whack-a-Mole that some people describe**
 25 **is completely unacceptable with a known, hashed image.**

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1 **a real challenge.**
 2 **What this -- if I move on to what we are**
 3 **describing --**
 4 Q. Yes.
 5 **A. -- it is to allow us to prevent other users from getting**
 6 **that image and allow that image from being reshared. We**
 7 **need to move those defences forward and closer to the**
 8 **device.**
 9 **So at the earliest possibility, known images are**
 10 **taken out of the game, they're quarantined, the sharing**
 11 **is stopped and we are allowed to focus on what we all**
 12 **need to focus on.**
 13 **Now there may be some challenges in this, but we**
 14 **have described the problem in great detail and have**
 15 **worked very closely with industry to describe that**
 16 **problem. The trade-offs in that description of that**
 17 **process are many and varied, but none of them should be**
 18 **about user experience. So if there's anything around,**
 19 **"Oh, it will take longer to upload" or if there is**
 20 **anything around "Oh, it will change the user**
 21 **experience", that isn't an excuse not to do this.**
 22 **So what we have described here in lay person's terms**
 23 **is a process which will allow you to detect images at**
 24 **the earliest possible time.**
 25 Q. Can we have a look at the two different processes

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1 **It revictimises victims and it simply wastes time for**
 2 **everybody.**
 3 Q. Looking at the known images, I'd like you to talk us
 4 through actually, practically, how it would work.
 5 It may assist, chair, if we look behind tab 6 and
 6 call up on screen NCA000366_001, because obviously we've
 7 heard about how PhotoDNA works, but I think we heard
 8 evidence last week that, although it is quick, the image
 9 is actually visible shortly before the PhotoDNA hashed
 10 database kicks in, for want of a better phrase, and the
 11 image is then moved, so you're not preventing it being
 12 seen at the outset.
 13 **A. Mm-hm.**
 14 Q. Can you just talk us through the NCA's understanding of
 15 the current process and then the proposed process?
 16 **A. So the real challenge we have at the moment -- and**
 17 **you'll have heard this in some of the evidence last**
 18 **week -- is that many of these known images are detected**
 19 **after they're on the live platform. So they're in**
 20 **a user's account and that user is then able to reshare**
 21 **very, very quickly.**
 22 **With the speed of the internet and the speed of**
 23 **mobile internet -- and you've heard a lot about 5G**
 24 **recently -- the speed in which you can share is going up**
 25 **and up. So the speed of detection on a live platform is**

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1 currently as the graphic depicts where a user attempts
 2 to upload child abuse material to platforms and systems,
 3 that's the first end.
 4 One goes on then, the company uploads the material
 5 onto their server and the material appears on the user's
 6 profile and the offence has taken place. So it is
 7 visible for a while, albeit that it may then get,
 8 subsequently, one comes on to the company hashing the
 9 material and checking the hash against their hash
 10 database, the hash matches the result, generating the
 11 CyberTip report sent to NCMEC and the company taking
 12 action against the user in accordance with the terms and
 13 conditions and presumably also removing access to that
 14 image.
 15 Although no one last week gave specific figures for
 16 the time which that takes, I think the general tenor of
 17 the evidence was it's a very short process between an
 18 image being uploaded and appearing on the user's
 19 profile, the hashing taking place and the image being
 20 removed and NCMEC being notified.
 21 Potentially in terms of either minutes, I think it
 22 was, or perhaps even shorter than that.
 23 The proposed process, looking at the bottom of the
 24 graphic, again has the user attempting to upload it, the
 25 company screens the material against their hash database

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1 prior to the material being uploaded to the site and,
 2 therefore, the image is not possible to be viewed, and
 3 the hash match results in the company preventing the
 4 upload and blocking the image before viral resharing
 5 happens.
 6 Now, do you know, Director, whether that second
 7 stage of the company screening the material prior to the
 8 material being uploaded is technologically possible?
 9 **A. Yes, it is. And, you know, we have talked publicly**
 10 **about those three industry asks. Those industry asks**
 11 **are now embedded within the serious organised crime**
 12 **strategy as part of six asks of industry. The same asks**
 13 **have been part of requests to prevent terrorist use of**
 14 **the internet, and the capability and capacity is there**
 15 **to do this.**
 16 **Without a doubt, there are challenges with new,**
 17 **first-generation images, because you need artificial**
 18 **intelligence and machine learning to detect those and**
 19 **you may get false positives, but if we focus on known,**
 20 **hashed images and the really good capability that exists**
 21 **to chase those and prevent them, creating a barrier**
 22 **before viral resharing happens is a real opportunity to**
 23 **improve the response and prevent prevalence and reduce**
 24 **volumes.**
 25 Q. That barrier, by requiring the companies to screen the

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1 legislation requiring the companies to do this? Does
 2 the NCA have any view on whether there should be
 3 a change in the legislation to force their hand?
 4 **A. So we really do need to focus on what the problem is,**
 5 **and you can't actually start talking about new**
 6 **legislation until you identify the problem you're**
 7 **needing to solve.**
 8 **There is a big question as to whether it's**
 9 **a legislative problem, whether it's an interpretation of**
 10 **human rights or whether it is a fundamental issue with**
 11 **the business model.**
 12 **Because, if you look at other parallels where**
 13 **significant events for technology companies, like**
 14 **a large cyber attack, could prevent that business from**
 15 **running, you don't see many large technology companies**
 16 **going down and losing their services for days on end**
 17 **because of a successful cyber attack; what you see is**
 18 **a very good response to malware, where malware is**
 19 **detected at a very early stage, quarantined, and then**
 20 **isn't shared so the network doesn't go down or their**
 21 **platform doesn't go down.**
 22 **If you think that through, any large cyber attack**
 23 **would have a crisis meeting convened, you'd have the**
 24 **Chief Financial Officer, you'd have the people that deal**
 25 **with risk on the board summoned. Does that happen when**

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1 material prior to the material being uploaded, would
 2 that require any change in legislation, as far as the
 3 NCA is aware?
 4 **A. So not as far as I'm aware. I would welcome clarity**
 5 **from industry on their position in relation to this**
 6 **because there has been a number of different**
 7 **descriptions of the problem. Some talk about**
 8 **proportionality, some talk about human rights, some talk**
 9 **about their business model. I don't think anybody has**
 10 **said it's illegal, I don't think anybody has said that**
 11 **they can't do it because they need primary legislation**
 12 **to enable them.**
 13 **So the question here, in terms of us solving these**
 14 **problems together, is, if the NCA or national policing**
 15 **needs to serve a lawful authority on a service provider**
 16 **to allow this, tell us what it is, and we'll do it.**
 17 **If there is a need for legislative change, be clear**
 18 **and tell us what it is.**
 19 **I haven't had a consistent explanation of what the**
 20 **real barrier to this is, and I don't think you have**
 21 **during last week.**
 22 Q. There may be two issues: one may be whether it's illegal
 23 for the company to do that, and, as far as your evidence
 24 is concerned, you're not aware that it is illegal.
 25 I suppose a corollary of that is, should it be made

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1 **a new child abuse image gets uploaded? I don't think it**
 2 **does. Not if there's 18 million globally. So that's**
 3 **what's we need to work through.**
 4 **So if we're missing something, please lead us by the**
 5 **nose to it and tell us, because, you know, it isn't**
 6 **clear to me what's missing from the legislative**
 7 **framework that would be required to do this.**
 8 Q. Can I ask on screen we go back, please, to NCA000354.
 9 I just want to be clear, finally, about the
 10 prescreening/prefiltering in relation to
 11 first-generation images.
 12 Clearly, there could be artificial intelligence to
 13 detect those images, but I want to understand, would
 14 that result in the image being initially visible for
 15 a short period of time or would it adopt the same route
 16 as the NCA's proposed process at the screen we were just
 17 looking at?
 18 **A. So a first-generation image that was identified with**
 19 **artificial intelligence that wasn't hashed, that needs**
 20 **to come to law enforcement immediately to safeguard the**
 21 **child, get the image hashed and then immediately go**
 22 **looking for that image. So it's a different type of**
 23 **response.**
 24 Q. Still with the two other asks before our mid-morning
 25 break, please, and turn to what is termed on the second

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1 page of that document and the second ask, which relates
 2 to kitemarking, and it says:
 3 "The industry platforms that have the appropriate
 4 safeguards in place could be granted a kitemark and, in
 5 particular, this should be piloted with those platforms
 6 that are specifically targeted at children."
 7 Now, what is it that actually the NCA envisages
 8 here?
 9 **A. So where people have thought through and invested in**
 10 **safety by design and done everything they can to test**
 11 **the platform before it comes to market to make sure it's**
 12 **safe, that there is an ability for that to be**
 13 **accredited, and for people to know that that level of**
 14 **safety is inherent within that platform and that's been**
 15 **undertaken.**
 16 **So that is, if you like, a public accreditation for**
 17 **a website that has made a certain -- or platform that**
 18 **has made a certain standard.**
 19 Q. Is it really going to make any difference, kitemarking
 20 in this way? Do you have any sense of how useful this
 21 ask would actually be in practice?
 22 **A. So I think it's really useful in understanding, if**
 23 **you're a parent or a carer, the relative safety of**
 24 **different platforms. I think that's important. It**
 25 **sends out an important message to potential offenders.**

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1 **been brave enough to do that.**
 2 Q. Certainly one of the witnesses last week spoke of
 3 a potential concern that, in kitemarking, you might
 4 alert the offender to a platform that is actually more
 5 used by children and potentially even lull a parent or
 6 a child into a false sense of security that, because
 7 they're on a kitemarked platform, they're at less risk.
 8 What does the NCA say to that?
 9 **A. So there isn't a perfect solution to this type of**
 10 **problem, but there are other parallels and, if you look**
 11 **at this, if -- we are in an extremely busy environment,**
 12 **operational environment, where we know offenders are**
 13 **proactively targeting children, so knowing that there is**
 14 **an area where industry have taken lots of steps to**
 15 **protect children is very, very good.**
 16 **Because if you are forced to make operational**
 17 **decisions every day, at least you know that children on**
 18 **that platform have a level of protection and you can**
 19 **target resources elsewhere.**
 20 **It is not as simple as that, but that is a benefit**
 21 **and I think it would have the opposite effect for**
 22 **offenders, because if you have a kitemark platform that,**
 23 **for instance, demands biometric data when you register,**
 24 **that has two-factor authentication, that has a range of**
 25 **measures similar to those you use in the banking**

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1 **So if you're going to pursue a sexual interest in**
 2 **children, and you have to run the gauntlet through**
 3 **a series of different steps which leads to that platform**
 4 **being safer and accredited, then that's got to be good.**
 5 **And the more people know about that, the better,**
 6 **because that level of safety and safety by design allows**
 7 **people to make an informed choice and goes to Simon's**
 8 **point about understanding where children should be and**
 9 **where children shouldn't be.**
 10 Q. Apple told us that they use a kitemarking on their
 11 App Store. What kind of discussions have there been
 12 with industry about the potential to have a kitemark?
 13 **A. So we've put it out there as an option very clearly, it**
 14 **was in our evidence to HASC it was in our industry**
 15 **ask --**
 16 Q. Home Affairs Select Committee.
 17 **A. Apologies.**
 18 **So we have been very public about this and we have**
 19 **yet to see somebody step up and actually do this.**
 20 **You know, there is an opportunity with the Online**
 21 **Harms White Paper and a regulator perhaps around some of**
 22 **this and that's all there to be discussed, but as far as**
 23 **I'm aware, somebody saying "We are best of brand for**
 24 **child safety", we haven't seen somebody come to the fore**
 25 **and self-declare that they have actually done this and**

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1 **industry, where we all use apps for banking, we all have**
 2 **to authenticate and fix our identity, if you had that**
 3 **level of confidence in identity, then, if you are a sex**
 4 **offender, or if you're a suspect that is potentially**
 5 **going to be an offender, are you going to want to run**
 6 **that gauntlet? Are you going to want to deliver all of**
 7 **that personal detail, if your intent on that platform is**
 8 **to abuse children?**
 9 **So, you know, there will be arguments about this and**
 10 **I can understand how some could say that it may attract**
 11 **people, but it allows informed choice and that's better**
 12 **than we've got now.**
 13 Q. Finally, please, the question of money.
 14 The third ask was industry members to ring-fence
 15 a proportion of their R&D -- research and design --
 16 budgets to develop and design safeguards into all of
 17 their products.
 18 Mr Jones, last week, a number of the witnesses were
 19 asked on behalf of their companies about budgets and the
 20 like, and the general tenor of the evidence was that
 21 there isn't a specific child sexual abuse budget, but if
 22 there was determined to be a need for a new piece of
 23 technology or the like, then the company would devote
 24 whatever funds were required to meet that need.
 25 In light of that evidence, how does the third

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1 industry ask, in practice, really work and solve
 2 a potential problem?
 3 **A. So there are a limited number of people with the**
 4 **technical expertise that is required to tackle this**
 5 **problem, so making sure that those individuals are**
 6 **tasked against this threat, and are resourced properly**
 7 **and have a budget which can deal with the R&D to tackle**
 8 **the problem is vital.**
 9 **So the minimum of that R&D ask is that there are**
 10 **people dedicated to tackling CSAE because some of the**
 11 **challenge is very unique.**
 12 **Building from that, of course we'd expect any other**
 13 **technical benefit or any other innovation developed**
 14 **elsewhere in the business to be brought to bear on**
 15 **probably the biggest threat to their network and their**
 16 **platform, so that's got to be a given.**
 17 **What this is saying is, you need the best people,**
 18 **the best brains, with the best equipment and the best**
 19 **technology to tackle the worst threat, and you protect**
 20 **that and you nurture it and you grow it until the threat**
 21 **is degraded.**
 22 **Q. Finally this, in dealing with those three asks in**
 23 **relation to online-facilitated child sexual abuse,**
 24 **everyone will be aware that there are a number of**
 25 **threats posed to everyone in this country, first and**

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1 **exploitation, but all of what we are describing and all**
 2 **of what we seek is good because it prevents online harm,**
 3 **it prevents people operating on these networks whose**
 4 **purpose is to do harm and cause harm to the public.**
 5 **So I can't see how you could benefit one without**
 6 **benefitting the other, and I don't think they're in**
 7 **competition, I think they're complementary, and I think**
 8 **that's the way they should be viewed. And where at all**
 9 **we can, we ensure we have one voice with industry and we**
 10 **ask once and we give a very informed ask to industry**
 11 **partners.**
 12 MS CAREY: Can I just ask you to confirm this -- we don't
 13 need to look at the document in fact -- that
 14 in November 2018, the Home Office published a serious
 15 and organised crime strategy and, within that, there are
 16 numerous references to the harm posed by CSEA and, in
 17 particular, in that strategy, various asks of industry,
 18 a number of which we have already looked at. I don't
 19 think I need to trouble you with the actual document.
 20 Chair, I'm moving to a different topic and I wonder
 21 if that might be a convenient moment for the mid-morning
 22 break.
 23 THE CHAIR: Yes, we'll return just before noon.
 24 MS CAREY: Thank you very much.
 25 (11.40 am)

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1 foremost, perhaps, terrorism.
 2 Is it not the case that there are continuing and
 3 repeated demands of industry such that perhaps they
 4 might have to prioritise terrorism at the moment,
 5 leading, perhaps, to less of a focus on CSA and isn't
 6 that just an inevitable consequence of the world in
 7 which we live? Why is it that so much is being demanded
 8 of industry and -- perhaps to deflect, really -- why
 9 more shouldn't be asked of law enforcement?
 10 **A. So the figures speak for themselves about the law**
 11 **enforcement response. You know, on average, 400 arrests**
 12 **a month, over 500 children safeguarded a month,**
 13 **a continual, attritional battle against offenders where**
 14 **no reduction in volume has happened since that effort**
 15 **has begun.**
 16 **So if you look at that point and the parallel with**
 17 **counter-terrorism and the number of individuals that**
 18 **have been impacted on by child sexual abuse, and look at**
 19 **the future for the UK, in terms of those children and**
 20 **what they may become, this a very real challenge for**
 21 **society.**
 22 **So most of what we're asking and discussing here,**
 23 **will have benefits for both counter-terrorism and**
 24 **serious and organised crime. There are very specialist**
 25 **areas which are only relevant perhaps to child sexual**

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1 (A short break)
 2 (11.55 am)
 3 MS CAREY: Thank you, chair.
 4 Mr Jones, I'd like to ask you, please, a little bit
 5 about some of the successful outcomes where industry has
 6 provided assistance to the National Crime Agency and I'm
 7 looking at your paragraphs 29 onwards.
 8 You speak in that paragraph about assistance
 9 provided by MovieStarPlanet. What is MovieStarPlanet?
 10 **A. This is a platform that is designed for children, that**
 11 **was abused by an offender who used it to make contact**
 12 **with children, did that by masquerading, and we were**
 13 **able to work with that platform and provide and bring**
 14 **that individual to justice.**
 15 **Q. I think you also say that BAE systems provide technical**
 16 **support to the National Crime Agency. Can you give us**
 17 **some examples of support that they have provided?**
 18 **A. So one of the real challenges that we have is the sheer**
 19 **scale of data that is acquired when you tackle this type**
 20 **of investigation. So companies like BAE have a strong**
 21 **capability in that space, and we have received pro bono**
 22 **support from them to develop our capability and**
 23 **capacity, to be able to manipulate those massive data**
 24 **sets and generate evidential opportunities.**
 25 **Q. Can you give us an understanding of how that kind of**

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1 collaboration works, is that the NCA going to them
 2 saying, "We've got this problem, can you help here?" or
 3 is that BAE coming and effectively volunteering their
 4 services to you?
 5 **A. There are examples of both. So we have a due-diligence**
 6 **process around pro bono relationships to make sure there**
 7 **is no competitive advantage. This relationship**
 8 **pre-dates my role and has been an enduring feature of**
 9 **CEOP for some time.**
 10 Q. I think in your statement, at paragraph 31 onwards, you
 11 give an example of a live streaming platform that you
 12 say has been proactively engaging with the NCA. What
 13 has that platform actually done in practice?
 14 **A. So what this has allowed us to do is to deliver the**
 15 **insight we've talked about earlier. Many live stream**
 16 **platforms are encrypted, and so the content isn't**
 17 **available to law enforcement. Some of the tell-tale**
 18 **signs may be in the metadata, so the data that**
 19 **accompanies that communication. Understanding the**
 20 **profile of what live streaming looks like is important**
 21 **to these companies, so we've done our best to share that**
 22 **and this is a strong example of an industry provider who**
 23 **has worked with us to try and develop their awareness of**
 24 **the threat and solutions to tackle it.**
 25 Q. I think you mentioned in that answer the difficulties

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1 **identity fixed, so if you're going to have a closed**
 2 **network on your platform that law enforcement can't see,**
 3 **make sure you know who is going in there and who has**
 4 **access to it, so fixed identity.**
 5 **Ensure that those secret communities that are**
 6 **protected by that encryption don't grow too large and**
 7 **become a force in their own right. Use the metadata**
 8 **that you have, the date and time of the communication.**
 9 **Everything else you have that isn't encrypted, use for**
 10 **good.**
 11 **The other point is that there will be areas,**
 12 **depending on how that solution is engineered, where the**
 13 **data isn't encrypted. So in those areas, use hash**
 14 **lists, use machine learning, use AI to attack that**
 15 **traffic and make sure there are no child sexual abuse**
 16 **images in there. So if you go down the route of**
 17 **end-to-end encryption: ensure you're following that**
 18 **principle of safety by design and it's not applied**
 19 **without thought; and, second, all the consequences of**
 20 **its application are understood in terms of child safety**
 21 **and public safety.**
 22 Q. Some of the evidence last week touched on the
 23 difficulties with authenticating who was a user and in
 24 particular verifying the age of a user when it comes to
 25 certain platforms not allowing under 13s on their

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1 with where there is end-to-end encryption and the
 2 company cannot access the content.
 3 Equally, there have been examples of perhaps
 4 increasing use of end-to-end encryption.
 5 Clearly that poses a challenge for law enforcement.
 6 Looking to the future, how does the NCA envisage
 7 dealing with that problem that's created by end-to-end
 8 encryption?
 9 **A. So encryption is obviously a force for good; it's the**
 10 **way it's applied that matters from a law enforcement**
 11 **perspective. So we need a banking industry, we all use**
 12 **banking apps, we all use e-Commerce. For that to be**
 13 **safe, we need encryption. We need to be safe from**
 14 **hostile nation states. There's a lot of good things**
 15 **about encryption.**
 16 **If it's applied without thought to platforms that**
 17 **could be used by this type of offender, then, quite**
 18 **frankly, the lights could go out for law enforcement.**
 19 **So as it's applied, we are working to make sure that**
 20 **people understand that threat -- and by "people", I mean**
 21 **technology companies -- and that there is a range of**
 22 **mitigations where, if, for instance, a technology**
 23 **platform insists on applying end-to-end encryption --**
 24 **and, ultimately, it's their choice -- if they insist to**
 25 **apply that, then what we need is a very strong user**

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1 platform, but, in fact, as we've heard, that bit is more
 2 often honoured in the breach.
 3 What kind of collaboration is NCA having with
 4 industry in terms of the age verification problem?
 5 **A. So we've worked closely with IWF and industry around age**
 6 **verification issues, and also NSPCC, and we see it as**
 7 **vital in terms of understanding how we can protect**
 8 **children.**
 9 **So there are a range of different areas where age**
 10 **verification becomes relevant. The first point, there**
 11 **is just no point in saying you can't come on if you're**
 12 **under 13, if you don't check. That's just absolutely**
 13 **pointless, because all of the experience shows, you**
 14 **know, that that is no defence in terms of preventing**
 15 **underage use.**
 16 **So once you face up to that, there's -- it's then**
 17 **finding a viable system which parents and children will**
 18 **use.**
 19 **So there are some areas where we want children to be**
 20 **able to reach out and, in relation to, we talk about**
 21 **an initiative to remove --**
 22 Q. I'm going to come on to that.
 23 **A. Okay, I'll leave that for then.**
 24 **So there are a range of different areas where**
 25 **solutions can be used to age verify. There are some**

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1 that are in use now, there are others coming in as
 2 a result of the adult industry and initiatives in the UK
 3 to tackle underage access to adult pornography.
 4 Q. You're talking about the Digital Economy Act?
 5 A. I am. And within those measures, there are -- there are
 6 a viable set of measures which could be applied across
 7 social media platforms as well.
 8 Q. Can we have a look at the Report Remove. If it helps
 9 you, Mr Jones, it's at paragraph 62 in your statement.
 10 But I want to understand, firstly, what Report Remove is
 11 and, within that, I think there is reference to age
 12 verification, which may tie in to the evidence you've
 13 just given.
 14 Firstly this, what is in fact the Report Remove
 15 Initiative?
 16 A. So part of tackling the problem is increasing resilience
 17 in children and making sure that if children make
 18 a mistake as they're growing up, as we've all done, that
 19 that mistake doesn't define the rest of their life.
 20 And so it has become a fact of life that children,
 21 teenagers, are sharing images between themselves
 22 consensually, that is what it is, that has happened,
 23 that has happened over many years. And those children,
 24 we don't want them to be criminalised, we want them to
 25 reach out and be confident that they need to reach out

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1 expect a young person who has engaged in this type of
 2 sharing of imagery to really come to law enforcement and
 3 make this request of them?
 4 A. So the key thing is that this reporting portal won't be
 5 directing to law enforcement and it allows -- it's one
 6 of the vital areas of engagement with NGOs and people
 7 like IWF, in that there is a safe place for that child
 8 to go to reach out and say, "I've made a mistake, I need
 9 to get this image taken down".
 10 Now, we've got to encourage that and we've got to
 11 prevent those images from proliferating, because, when
 12 they get out of that initial exchange, they then go
 13 viral very, very quickly.
 14 Q. So if a child reports to the NGO, in this case, and says
 15 "There's an image of me out there and I want it taken
 16 down", I think you say that the age of the child is
 17 likely to be verified using an online application. How
 18 is it that you envisage the age verification working in
 19 practice?
 20 A. So the age verification is a challenge and will involve
 21 the child having to take some steps to verify their
 22 identity.
 23 And that may involve getting -- involving a parent
 24 or carer to help with that verification.
 25 Q. Again, is that realistic? If the image is a sexualised

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1 and, most importantly, if they have shared an image
 2 consensually between, in essence, a girlfriend and
 3 a boyfriend, they're immature, they haven't understood
 4 the ramifications of what they've done, they've made
 5 a mistake, we need to make sure that the image doesn't
 6 proliferate and end up with sex offenders, so we need it
 7 to be hashed and taken down, and then we don't want them
 8 to be the subject of a criminal investigation. So that
 9 takes you into Outcome 21, and there's been previous
 10 evidence in relation to dealing with that.
 11 Q. There has.
 12 A. And with Mr Bailey, and with national policing, we've
 13 worked with NSPCC and IWF to come up with a viable
 14 system that will allow us to quarantine the image,
 15 prevent the image from being shared amongst sex
 16 offenders, safeguard the child, who may need help and
 17 advice, and not criminalise them.
 18 Q. In practice, though, does it require the child actually
 19 reporting, "Well, look, I've taken an image or I've
 20 received an image" -- sorry, "Taken an image, I've sent
 21 it to a boyfriend or girlfriend and I'd now like it
 22 taken down", so it starts with a child, in essence,
 23 making that report; is that right?
 24 A. That's correct.
 25 Q. Have you got any sense of whether that's realistic, to

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1 one, as it will be in this case, are we really expecting
 2 a child to say to their parent or guardian, "I've taken
 3 this image, I've sent it to my boyfriend (or
 4 girlfriend), I now want it taken down", and having what,
 5 on any view, would be a sensitive and embarrassing
 6 discussion with their parent?
 7 A. So it's better than no option, and if you've got
 8 teenagers, you have lots of sensitive and embarrassing
 9 conversations, and we need to encourage those
 10 conversations and make them normal. Part of that is
 11 PHSE covering areas like this, and the key thing that
 12 everybody in this world wants is for children to reach
 13 out and speak to somebody they trust. If they reach out
 14 and speak to somebody they trust, it's the first part of
 15 putting this right.
 16 So, yes, it is a challenge. It's not going to be
 17 for everyone, but we've got to start providing something
 18 to prevent these images from proliferating.
 19 Q. If there is going to be this age verification in
 20 relation to the Report Remove Initiative, is that not
 21 something that could be in fact broadened to age
 22 verification when one signs up to a social media
 23 platform? Has there been any thought to expanding the
 24 potential for the age verification?
 25 A. So there are definite opportunities with the solution

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1 that has been considered for Report Remove. There was
 2 a wider suite of measures under the Digital Economies
 3 Act that you referred to, and then, if you move on from
 4 that, there are also a number of steps that can be taken
 5 to not only fix the identity, but fix the device -- so
 6 the mobile phone, the telephone number, the iPad. The
 7 device that is being used can be fixed as well and
 8 that's part of making sure you're confident with people
 9 that run your platform.

10 Q. Once the child has made the report and their age has
 11 been verified, can you just explain to us, please,
 12 Director, how in fact it's going to work and that the
 13 images are going to actually end up being removed?

14 A. So this will sound like a circular process. I'll try to
 15 explain it.

16 The first thing that we need to do is to make sure
 17 that that image can be identified, so it's got to be
 18 verified and hashed, and then, to ensure that that
 19 image, if it's detected as being shared by third
 20 parties, that that is prevented and dealt with, and any
 21 safeguarding issues are dealt with, that image needs to
 22 be available to IWF and NCMEC.

23 Q. Right.

24 A. So once that work has been done, then the next part of
 25 the process is to ensure that it's understood that that

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1 Q. Can you give us an idea, please, of when you think that
 2 this Report Remove Initiative may actually come to
 3 fruition?

4 A. So it's being worked through now, there are a number of
 5 steps that have already been taken to make this
 6 a reality. We -- I don't think we have an exact
 7 roll-out date for it, but that is being worked on with
 8 IWF and NSPCC and NCMEC.

9 Q. In addition to the work that the NCA undertake, and
 10 indeed all law enforcement undertake, with the IWF, can
 11 I ask you, please, to look at what are termed strategic
 12 projects involving industry and other players here.

13 Your paragraph 33 onwards, Director.

14 I think back in 2013, the National Crime Agency
 15 supported the Prime Minister's office in a project that
 16 was run with Google and Microsoft to make it harder for
 17 people to access this imagery through their search
 18 engines.

19 Did that involve the creation of a black and grey
 20 list -- sorry, blacklist and greylist terms of child
 21 sexual abuse which were known to be commonly used by
 22 offenders?

23 A. That's correct.

24 Q. I think in relation to that project alone, Google had
 25 over 200 staff working on this project.

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1 is a Report Remove image, and that it shouldn't be
 2 subject to a criminal investigation unless third parties
 3 have got access to it and it's broken out of that
 4 original sharing.

5 Much of what I was talking about earlier, about the
 6 speed of identifying an image and quarantining it is key
 7 to this, because, if you don't get to that image quickly
 8 and it's been shared already, this will be very, very
 9 hard to make work, because even if it's been shared --
 10 even if the call has been made by the child very, very
 11 early, and it's been hashed very, very early, with the
 12 speed of sharing, we need that to be identified very,
 13 very early for this to work effectively.

14 Q. I'm just thinking of, perhaps, a commonplace
 15 example: a girlfriend sends an image to her boyfriend,
 16 and her boyfriend then shares it with all of his friends
 17 in class. Is this really going to be able to
 18 practically solve that kind of, perhaps, commonplace
 19 scenario?

20 A. It's the first step in dealing with that type of
 21 scenario. You know, the most important part in that
 22 scenario is you create a resilience in children and
 23 educate your children around making decisions like this,
 24 and ensuring that they are not sharing the type of image
 25 that is going to generate that level of interest.

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1 That kind of number of staff, is that unprecedented
 2 in terms of collaboration or --

3 A. I don't know.

4 Q. Okay.

5 In fact, that did in fact lead to a reduction in
 6 offending via both Microsoft and Google's search
 7 engines. Now, that was 2013 as an example.

8 Are you able to help us with some perhaps more
 9 up-to-date examples of where there have been strategic
 10 projects with industry?

11 A. So we work very closely to try and help industry with
 12 insight into the problem, so there has been a number of
 13 areas where we have collaborated, most recently with the
 14 gaming industry, in relation to protecting children who
 15 are using online games, and some very good work around
 16 some of those providers engaging and putting steps in
 17 place to actively moderate traffic and weed out
 18 high-risk behaviour.

19 Q. In relation to gaming, is this right -- I'm at
 20 paragraph 55 of your statement now -- there was a gaming
 21 sector round table on 9 October? What was the aim of
 22 that round table?

23 A. So we recognise that gaming is a very fertile area for
 24 offenders who may be pursuing access to children, and we
 25 have indeed seen evidence during this inquiry of the

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1 **impact of some of that.**
 2 **So one of the things we've been able to do is to**
 3 **work with one of the companies, a company called Jagex,**
 4 **which is to ensure that they understand the behaviour of**
 5 **some of these offenders and they've developed**
 6 **sophisticated methods using heuristics to target and**
 7 **identify high-risk communication.**
 8 Q. If I just stop you there and say that heuristics is
 9 effectively a practical way of trying to work out
 10 a potential problem. It's not a perfect solution, but
 11 it's an educated guess, effectively, by a system as to
 12 what's going on. Is that perhaps a simple way of
 13 explaining what a heuristic is?
 14 **A. That works, don't push me much further, that's fine.**
 15 Q. They've come up with this software that uses,
 16 effectively, an educated guess to try and scan the
 17 players who are online and then take action?
 18 **A. Yes. So this type of approach using technology is**
 19 **similar to that used by the company Yubo that we've**
 20 **talked about, where you've got active moderation which**
 21 **looks at behaviour, intervenes in that behaviour, and**
 22 **will either suspend an account or nudge the user of that**
 23 **account to change their behaviour.**
 24 **Certainly in relation to the gaming, I think the**
 25 **figures are over 87 per cent of the players, after an**

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1 got any sense of whether that could be rolled out
 2 against perhaps some of the bigger gaming companies? If
 3 it can be done for Jagex, the question is, why can't it
 4 be done elsewhere?
 5 **A. I don't see why it shouldn't be.**
 6 Q. Does the NCA go to some of the bigger players in this
 7 area and say, "Well, look, we can do it on a small
 8 platform, why can't you do this now in relation to your
 9 product"?
 10 **A. So we do and we have hosted industry events to bring**
 11 **everybody into the same room, and we've had smaller**
 12 **start-up companies and very large multinational**
 13 **companies in the same room talking about the problem,**
 14 **and we've highlighted some of the innovation and**
 15 **approach from some of those companies in the context of**
 16 **what's possible.**
 17 Q. Is the answer, though, that some of the bigger
 18 companies, it's just not practically possible, or it's
 19 not going to be proportionate, to use, perhaps, a phrase
 20 they might adopt?
 21 **A. I struggle with that, in that there are a range of new**
 22 **products coming to the market, and the range of products**
 23 **that are being used now. So as our understanding of the**
 24 **threat and, you know, what is causing the problems, gets**
 25 **better, you would expect the level of innovation and**

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1 **intervention, modify their behaviour.**
 2 **So there's a real opportunity there to weed out some**
 3 **of the harm that is happening before it escalates and**
 4 **becomes a problem.**
 5 Q. I think, to put a bit of flesh on that, effectively one
 6 of the things the heuristics or educated guess does is
 7 scores the conversation, presumably, for key words that
 8 might be indicative of child sexual abuse and, once the
 9 score reaches a certain level, a pop-up is delivered
 10 live into the game. Is that how you understand this
 11 Jagex, for example, works?
 12 **A. That's correct.**
 13 Q. The pop-up might advise the user that the conversation
 14 is inappropriate?
 15 **A. That's correct.**
 16 Q. And it's as a result of those pop-ups that Jagex has
 17 found over 87 per cent of players who receive a pop-up
 18 amend their behaviour --
 19 **A. That's correct.**
 20 Q. -- and don't go on to get a penalty and, if they ignore
 21 the pop-up, eventually they can have either their
 22 conversation muted or in fact be permanently banned?
 23 **A. That's correct.**
 24 Q. Now Jagex is not potentially a gaming company with which
 25 the inquiry has heard that much evidence, but have you

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1 **iteration of the approach to follow that trajectory.**
 2 **So when we held an industry event, which is --**
 3 **I talk about it in my witness statement, where we**
 4 **invited everybody to attend, we had a relatively small**
 5 **company called Yubo and I can talk about --**
 6 Q. I was actually going to come on to that, because we've
 7 mentioned the name but not actually dealt with what Yubo
 8 is, what it did do and how it changed its approach.
 9 Breaking those down, what is Yubo?
 10 **A. Yubo is a social media platform, but it primarily**
 11 **relates to live streaming and image exchange, so**
 12 **obviously we've talked a lot about the risk from some of**
 13 **those platforms to children.**
 14 **What we saw with Yubo was a journey which started**
 15 **with them being quite a small start-up, they were known**
 16 **as Yellow, they were created by a French developer, they**
 17 **had significant issues, and there was a significant**
 18 **amount of public criticism in relation to that platform,**
 19 **because there were a number of incidents where there**
 20 **were attempts to groom children and access children on**
 21 **that platform.**
 22 Q. I think Yubo had at least 1 million downloads on
 23 Google Play and reportedly millions of users worldwide,
 24 but part of the problem was that, initially, they had no
 25 age verification process and what you described as no

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1 privacy processes; what do you mean by that?

2 **A. So there was nothing which was in place to protect the**

3 **privacy of the individuals who were streaming. There**

4 **were a range of issues which were being exploited, and**

5 **the company moved from being referred to as one of the**

6 **worst, under their -- the brand name Yellow, and they**

7 **started again, started from scratch, engaged with**

8 **a child protection adviser. All of this was given very**

9 **publicly and they showed a lot of candour in describing**

10 **the journey that they'd been through.**

11 **I say all of this, saying -- I'm not saying they're**

12 **perfect, by any stretch of the imagination, but they**

13 **were good enough to be very, very open and described the**

14 **journey they'd been on, and that led them to a series of**

15 **measures which include live moderation of live**

16 **streaming, the most significant thing being that, when**

17 **they detect nudity, they take measures to deal with**

18 **that.**

19 **So they will drop into live streams with the**

20 **moderator and tell underage users to effectively cease**

21 **and desist, to put their clothes back on, to stop. If**

22 **that doesn't happen, they will potentially lock that**

23 **account.**

24 **If you look at the way that is influencing**

25 **teenagers' behaviour in both gaming and social media,**

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1 **A. There will be a range of things in terms of scale. The**

2 **most important thing is the intent, and if you bring**

3 **something to market which is for children, you need to**

4 **make sure that in your business model you're accounting**

5 **for the threat to children, and that is really important**

6 **in the planning.**

7 **So if your bottom line depends on having a large**

8 **number of users and that large number of users are going**

9 **to be children, then you need to make sure that you are**

10 **scaled up to deal with that.**

11 Q. One final industry player that I'd like to ask you

12 about, please, is British Telecom, at your paragraphs 40

13 and 41 in your statement, Director.

14 I think that, back in July of last year, senior

15 members of the NCA met with British Telecom to discuss

16 action that could be undertaken by the internet service

17 providers and communications service providers.

18 Can you just give us a reason -- sorry, can you just

19 explain why you had this discussion with British Telecom

20 and then perhaps what the outcome of that discussion

21 was?

22 **A. So BT are -- occupy a unique place as an ISP in the UK.**

23 **They were -- because of Clean Feed and the early work**

24 **that they did to block child sexual abuse material, when**

25 **we started talking about asks of industry, and reducing**

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1 **the one thing that we know is that people live their**

2 **lives online now and losing your access to your social**

3 **media platform with all your friends on matters, so**

4 **locking the application and saying you're banned for**

5 **24 hours would have a significant impact. It is the**

6 **type of nudge that works really well with teenagers and**

7 **you see it working in a social media context in Yubo and**

8 **also in a gaming context in the Jagex scenario.**

9 Q. Even if Yubo has over a million downloads and millions

10 of users worldwide, it might be said that pales into

11 comparison with, perhaps, someone like Microsoft or

12 YouTube run by Facebook.

13 Have you gone to those bigger companies and said,

14 "Well, listen, if they can step in and ask a child

15 through live moderation to put their clothes back on, if

16 they can do it, why can't you"?

17 **A. We've shared all of this, and in fact the -- this was**

18 **presented with all of the main players from social media**

19 **companies there. So -- and that was an industry round**

20 **table that we pulled together.**

21 **You know, there is nothing in this which other**

22 **industry providers don't know about. The issue is scale**

23 **and, you know, that is something that can be solved with**

24 **investment.**

25 Q. Insufficient numbers of moderators, bigger companies?

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1 **prevalence and volume, one of the really significant**

2 **ways of doing that is blocking, and blocking in internet**

3 **traffic. That is something that BT shared a great deal**

4 **of candour about in their evidence and they have done it**

5 **and they went out and did it and applied Clean Feed to**

6 **data on their network.**

7 **They also have people who are security cleared, who**

8 **we can speak to about this threat as well, and so we**

9 **engaged with them about how we could improve the**

10 **response to tackle the growing volumes.**

11 Q. As part of that response, is this right, that the NCA

12 and the Virtual Global Task Force, which I think was set

13 up back in the early 2000s, held a Tackling Online CSEA

14 conference in May 2018. The chair and panel have heard

15 a number of examples of collaboration, conferences,

16 round tables, call it what you will, but at the end of

17 every conference, no doubt everyone expresses goodwill,

18 a determination to try and root out the problem --

19 **A. Mm-hm.**

20 Q. -- and no doubt there's another conference six months or

21 a year down the line with the same problems being

22 discussed.

23 I just want to try and understand what practically

24 happens at these conferences and what's the actual worth

25 of them rather than everyone just telling us, "We're

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1 talking about it"?

2 **A. So they are very worthwhile. You know, we have people**

3 **like IWF attend, we have all of the main industry**

4 **players, and there is genuine collaboration and intent**

5 **to solve the problem.**

6 **We -- it allows us to share insight about the way**

7 **the threat is evolving, it allows us to challenge and**

8 **there is healthy professional attention between industry**

9 **and law enforcement and that's right.**

10 **It isn't as simple as we meet, we discuss and then**

11 **nothing happens.**

12 Q. Mm.

13 **A. I think the problems are acknowledged and those**

14 **challenges are discussed quite openly.**

15 **There is an inconsistent response to why those**

16 **challenges exist, which I spoke about earlier, which is,**

17 **is it legislative, is it around the business model, is**

18 **it about risk appetite, is it -- you know, what is the**

19 **real reason for lack of progress?**

20 **That is why we continually come back to refocus the**

21 **problem, and we will carry on doing that, because we get**

22 **some brilliant innovation from these events, but**

23 **applying them to reduce access, prevalence and all of**

24 **those things, we're not lacking in ideas, we need the**

25 **application and we need that to be applied globally.**

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1 Q. Is this a industry-wide problem or related to one or two

2 companies?

3 **A. So there are varying standards and there is a lot of**

4 **work undertaken by the Home Office, around the policy**

5 **for communications data retention, and we work very**

6 **closely with providers to highlight the problems when we**

7 **encounter them, but there are -- there are different**

8 **levels of effectiveness with some of that retention.**

9 Q. I think you also had a concern outlined in your

10 statement that some of the social media platforms do not

11 include sufficient information in the reports they

12 submit to NCMEC to enable law enforcement to take

13 action.

14 Can you give us a sort of practical example of what

15 you mean by that?

16 **A. So there is very minimal information which can be**

17 **disclosed to NCMEC, so the IP address and the time, for**

18 **instance, and perhaps little more.**

19 **So getting a quality referral means that we'll get**

20 **a quality response in the UK, so making sure that they**

21 **are as good as they can be is really important because**

22 **if you saw in that attrition model earlier how many we**

23 **lose and we have to churn through to get to the**

24 **offender. So that's creating work and we need to reduce**

25 **that.**

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1 Q. We've considered with your evidence some successful

2 examples of operations where there's been

3 a collaboration, and I think at your paragraph 68

4 onwards, Director, you have set out some concerns where

5 assistance has not been provided by industry and, in

6 particular, what are described as "ongoing issues with

7 some communications service providers being unable to

8 resolve IP data or retaining the data for a limited

9 period of time".

10 Just help us: firstly, practically, what problem

11 does that cause as far as the NCA is concerned?

12 **A. So retaining IP data and a consistent period of time for**

13 **retention is important to us because we need to be able**

14 **to -- if we get some (inaudible) from industry or some**

15 **intelligence that somebody has accessed child sexual**

16 **abuse material and there's an IP address for that, we**

17 **need to be able to say when that took place, and when**

18 **that IP address had been allocated to the bricks and**

19 **mortar address that's it's connected to or the mobile**

20 **device it's connected to; otherwise, we can't get to the**

21 **real-world offender.**

22 **So if that IP data isn't retained, and the time**

23 **stamp and allocation for that IP history isn't retained,**

24 **we simply can't get to the real-world problem and the**

25 **offender that is behind that IP address.**

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1 **So a lack of detail, a lack of issues with time**

2 **stamps on equipment can cause incorrect IPs to be**

3 **resolved and can lead you to the wrong individual with**

4 **horrendous consequences.**

5 **So there are a range of challenges around content,**

6 **timeliness, and consistency in those referrals.**

7 Q. In the statement, you say then, "CEOP has approached

8 a number of social media platforms to ask them to

9 improve their reporting standards". Do you know when

10 that approach was made?

11 **A. So there has been a very recent round table in the US**

12 **with NCMEC. In fact, I think last week we were with**

13 **industry in the US working on that. It's constant,**

14 **because of the volumes, to try and develop the most**

15 **effective route for referral and best quality.**

16 Q. I ask because your statement goes on to say that at the

17 time that the NCA CEOP approached the platforms, it

18 received no response from three.

19 In that example, where you make the approach and

20 then don't receive a response, what does the NCA do?

21 **A. We'll go back and try again. And we -- we are -- the**

22 **problem that we're faced with is, when we have**

23 **inconsistent dissemination like that, we know there is**

24 **something to the problem, we know there is something to**

25 **the referral, so we are forced to keep going back to**

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1 **that provider.**
 2 Q. There's nothing to force that provider to co-operate
 3 with the NCA, is there?
 4 **A. Not at the moment. There is work under way in relation**
 5 **to overseas production orders, which we hope will help**
 6 **some of this, but, in essence, for communications data,**
 7 **not content -- so this is traffic data around the IP**
 8 **address, you know, in old money, itemised billing --**
 9 **that type of data is obtained with a RIPA request which**
 10 **is honoured by US companies. The actual content would**
 11 **require a production order and that is very challenging**
 12 **at the moment to obtain.**
 13 Q. In the "challenging" there, you're referring to the MLAT
 14 process that the chair and panel have heard about?
 15 **A. Yes.**
 16 Q. Before we go on to content data, can we look at the
 17 perhaps basic data that sometimes law enforcement
 18 requests of the companies and try and understand what
 19 an application, in fact, looks like, and how complicated
 20 or otherwise it is to -- fill out.
 21 Now, can I ask, please, that we look behind our
 22 tab 7 in the bundle and call up on screen NCA000367,
 23 just so that the inquiry gets a sense of how the process
 24 actually works.
 25 This is a National Crime Agency-generated document.

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1 a local level, how are you satisfied that in fact a PC
 2 working out of a far-flung force in the UK can actually
 3 fill this in properly and provide the company with the
 4 date -- the request of the information that they need?
 5 **A. So this process is a national policing process, it's not**
 6 **an NCA process, it's a process that we all subscribe to**
 7 **in law enforcement. In fact, anybody that has to obtain**
 8 **communications data under this regime has to use the**
 9 **same system.**
 10 **So it starts with an applicant who will have the**
 11 **best knowledge of the case, an investigator or**
 12 **intelligence officer. They will fill out and populate**
 13 **the boxes that are on this form. There's then a level**
 14 **of quality assurance and that form will end up with**
 15 **a single point of contact -- a SPOC -- who will then**
 16 **look at the quality of that form.**
 17 **If there are legal considerations on that form or,**
 18 **for instance, they think the collateral intrusion hasn't**
 19 **been dealt with or the necessity in the criminal offence**
 20 **isn't laid out, then they will deal with it at that**
 21 **stage and many are rejected or altered at that stage as**
 22 **a result of that Q&A process.**
 23 **That will then go to a designated person -- and if**
 24 **you can imagine, we are doing a lot of these. That will**
 25 **then go to a designated person to consider whether its**

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1 One can see set out there essentially the different
 2 types of information that need to be provided.
 3 I just want to break down: who fills this in; where
 4 does it go to; and how is it processed?
 5 Clearly, the NCA would use a document like this.
 6 What about local policing?
 7 **A. So policing will use a similar form dealing with the key**
 8 **areas of necessity, proportionality and collateral**
 9 **intrusion. We all have to deal with attribution -- so,**
 10 **how is the communication data address linked to the**
 11 **incident or the individual that we're concerned about?**
 12 Q. Just to deal with collateral intrusion, as it's set out
 13 there on the application form, the officer filling this
 14 in needs to consider, where appropriate, and describe
 15 any meaning in collateral intrusion the extent to which
 16 the privacy of an individual not under investigation may
 17 be infringed and why that intrusion is justified in the
 18 circumstances, because, clearly, if you're asking for
 19 data about one thing, you may also encounter data being
 20 provided about all sorts of different areas of someone's
 21 private life.
 22 So that's, in short, what collateral intrusion is
 23 designed to avoid.
 24 Can I ask you this, if this is a form filled in by
 25 the NCA and the NCA has the expertise in this area, at

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1 **suitable to go to the service provider.**
 2 **Once it's been through the designated person**
 3 **process, it is then returned to the single point of**
 4 **contact who will then issue a notice to the service**
 5 **provider.**
 6 Q. So the service provider doesn't get this document, they
 7 get the notice; is that correct --
 8 **A. That's correct.**
 9 Q. -- just setting out what information it is that the
 10 police require?
 11 **A. That's correct. Then that -- then there is an oversight**
 12 **regime from IPCO, which looks at those requests to**
 13 **ensure that those forms are being looked at by the**
 14 **designated persons in the right way.**
 15 Q. Now, the inquiry heard last week about some examples of
 16 where law enforcement requests are rejected or are
 17 unable to be complied with due to insufficient
 18 information being provided by law enforcement.
 19 In fairness, they drew the distinction between
 20 content and non-content requests, but is there any
 21 training that is done for non-content requests using
 22 this kind of process that you've just outlined?
 23 **A. There is. There is nationally accredited training for**
 24 **anybody that wants to be an applicant. So you have to**
 25 **go and undertake training to be an applicant, you have**

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1 **to undertake training to be a SPOC and to be**
 2 **a designated person, and that is all in order to make**
 3 **sure that, by the time a notice comes out, it's accurate**
 4 **and it's lawful.**
 5 Q. In relation to requests for content data -- ie, what
 6 does an email between two people say, for example --
 7 that has to be requested via the Mutual Legal Assistance
 8 Treaty process; is that right?
 9 **A. So a lot of this problem is offshore and**
 10 **extra-territorial, so if it's hosted overseas, that's**
 11 **the process we have to go through.**
 12 Q. All right.
 13 Can you help us with why it is that it may take some
 14 months -- we heard up to as many as ten months -- for
 15 that process to be able to be gone through and the data
 16 to be provided back to UK law enforcement, why is it so
 17 cumbersome?
 18 **A. So the process has to engage a domestic process where**
 19 **that data is held, and the first thing we need to do is**
 20 **to make sure that data isn't lost, so it's retained. So**
 21 **we have to get a retention order in place and then**
 22 **follow that up as quickly as we can with a viable legal**
 23 **mutual assistance request.**
 24 **Now, in the current process, it is quite cumbersome**
 25 **and takes a long time and it engages the central**

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1 **possible, either getting it from stored digital media in**
 2 **the UK or from the server that it's been stored on, and**
 3 **so, all of those options will be pursued by the**
 4 **investigators, but, yes, sometimes it can take months.**
 5 Q. Can I ask you then, please, about two final topics.
 6 Firstly, it's in relation to the National Crime Agency's
 7 views and response to the government's Online Harms
 8 White Paper.
 9 Clearly the inquiry have heard that there is
 10 a proposal that there should be a regulatory framework,
 11 a statutory duty of care and codes of practice in
 12 particular for tackling online CSEA.
 13 Insofar as you are able to, can the NCA give us
 14 their response to that White Paper?
 15 **A. So obviously the consultation is still live, we will be**
 16 **more than happy to share our input to that consultation**
 17 **with the inquiry. We welcome the Online Harms White**
 18 **Paper, we really do. It's, you know, of critical**
 19 **importance that we look at the problem end-to-end. Up**
 20 **until now, we've been looking at offenders, we've been**
 21 **trying to mitigate the risk to victims. The piece in**
 22 **the middle, which is industry and the platform where all**
 23 **of the offending has taken place, hasn't been addressed,**
 24 **and so this the opportunity to address that with some --**
 25 **you know, a sensibly and well-thought-out White Paper.**

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1 **authority in the UK and it engages the equivalent in the**
 2 **US, for example, wherever that data is held.**
 3 **Now, there is a significant amount of progress been**
 4 **made at around overseas production orders, for tackling**
 5 **crime. That's been referred to, and is referred to as**
 6 **COPO, and that is at quite an advanced stage, and you**
 7 **also have the CLOUD Act, which is at quite an advanced**
 8 **stage as well. So those two measures will help in the**
 9 **future, we hope, in obtaining content.**
 10 **For now, we're in quite a long queue, quite often,**
 11 **of requests which are going out to overseas law**
 12 **enforcement to get content back.**
 13 Q. The knock-on effect of that must be that if a child
 14 reports a grooming offence at a local police station
 15 today and, for whatever reason, can't provide the
 16 officer with access to the e-mails, if this process has
 17 got to be invoked, is it really taking ten months before
 18 a decision can be made and the evidence actually seen to
 19 say, "Well, actually, look at the emails that show the
 20 grooming"?
 21 **A. So with a child at risk, all of these companies will do**
 22 **their level best to put us in the right place to**
 23 **safeguard that child, without a doubt, but with the**
 24 **volumes in the system and the challenges that we face,**
 25 **you've got to try and get to that data as quickly as**

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1 **There are some points in there, which, you know, as**
 2 **we've talked about, much of this problem is**
 3 **extra-territorial and sits offshore. For this to work,**
 4 **we need a regime that is able to deal with that**
 5 **challenge and, more to the point, we need a regime where**
 6 **it actually matters to industry.**
 7 **So we've got a series of things that happen now with**
 8 **takedown notices, voluntary regimes, and unregulated**
 9 **regime, which gets us so far. For this to make a real**
 10 **difference, it needs to go and deal with the next piece**
 11 **of the problem, which is, when you have inconsistency**
 12 **and response and when you have some of the challenges**
 13 **we've been describing, we deal with those problems**
 14 **together.**
 15 **So, you know, we really do welcome it. There is**
 16 **a long way to go in terms of making it happen, but it's**
 17 **the start of the right conversation, we think.**
 18 Q. Finally this, please.
 19 In even the 15 or so months since the January phase
 20 of this investigation, things have moved on.
 21 Are you able to encapsulate, in summary form, what
 22 the future challenges are for online-facilitated child
 23 sexual abuse and how the NCA intends to overcome those
 24 challenges?
 25 **A. So the challenge we see is across those three areas of**

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1 scale, complexity and severity. As we see all of this
 2 playing out, we are seeing more and more people pursuing
 3 more severe images of younger children. The cases that
 4 I talked about earlier are all examples where very young
 5 children were abused and their images were posted
 6 online.
 7 Not every offender that goes on the open web looking
 8 at images will end up on the dark web, but I'm quite
 9 confident that most people that end up on the dark web,
 10 on those really sadistic websites promoting the sadistic
 11 abuse of babies and very young children, began their
 12 offending journey on the open web. So we need to raise
 13 the bar for entry into this type of offending. That
 14 means the open web needs to be a place where there is no
 15 tolerance for this type of abuse.
 16 So our understanding of the type of offender that is
 17 operating on the dark web and in secret, encrypted
 18 communities is getting better. Everything we see when
 19 we manage to infiltrate those communities and bring
 20 people to justice causes us concern because the age of
 21 the children is younger and the behaviour is more
 22 depraved.
 23 So in tackling this together, we need to be able to
 24 target our best resources, our best capabilities, state
 25 level capability at those high-end offenders. In order

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1 for you. Chair, are there any questions from you or the
 2 panel?
 3 THE CHAIR: Yes, I'll just begin.
 4 Questions by THE PANEL
 5 THE CHAIR: Regarding the first of your three asks,
 6 Mr Jones, around prescreening, you referred to possible
 7 barriers to achieving this and I think you referred to
 8 this again later, that industry providers' business
 9 strategy or business model might be one of those
 10 barriers. That sounded like you might be referring to
 11 the question of their profitability affecting it.
 12 Can you clarify that is what you intended to say?
 13 **A. So there's two things to that. Industry invests a lot**
 14 **in understanding user experience, so what matters for**
 15 **their -- the users of their platforms to come to them**
 16 **rather than a competitor. So if any of these measures**
 17 **were to impact on user experience, that may be**
 18 **a concern.**
 19 I would suggest that would be a small concern to
 20 most users, if, in their terms and conditions, there was
 21 explicit consent and explicit reference to filtering and
 22 prescreening for illegal child sexual abuse images.
 23 In relation to their -- the business model point,
 24 that's one part of the concern. The other concern is
 25 this does require investment. Some of these platforms

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1 for us to do that, we need what is playing out on the
 2 open web with hashed and known images, which can be
 3 identified with the technology, to be taken out of the
 4 game. We've got a conveyor belt of demand which has got
 5 those known images on. That needs to be dealt with.
 6 That will allow us to target more and better resource at
 7 the highest harm offenders, that will also allow us to
 8 tackle live streaming of live abuse from places like the
 9 Philippines, and not only the Philippines, but from
 10 young children and teenagers' bedrooms in the UK.
 11 So that will also assist us to be able to understand
 12 the threat and what is driving some of these individuals
 13 to commit the crimes they do.
 14 So in tackling that, we will then be able to move on
 15 and deal with the next steps in creating resilience in
 16 children. So the real challenge for us with the volume
 17 and the exponential growth in volume, is how we deal
 18 with that and the continued rise in volume whilst we get
 19 more and more insight into the most serious types of
 20 offending, and it's that trade-off we need help with.
 21 The piece in the middle of the transaction between
 22 victims and offenders is all about technology and that's
 23 where we need help and that's where we need to make
 24 a difference to deal with those volumes.
 25 MS CAREY: Director, those are all the questions that I had

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1 have 2 billion users. I doubt that when they started
 2 their journey, in terms of bringing that product to
 3 market, they realised they'd end up with 2 billion
 4 users, so there is a practical point of understanding
 5 the impact on developing a solution -- reverse
 6 engineering a solution for today from a business
 7 proposition which is many years old.
 8 THE CHAIR: Just to press you on this, are you saying that
 9 you think the industry will not make progress if in any
 10 way their level of investment or profit is affected?
 11 **A. So I'm not saying that, I'm saying that I am confident**
 12 **that nobody wants these images to be on social media**
 13 **platforms. I think the incentive for industry needs to**
 14 **be greater. Part of that incentive can be legislative,**
 15 **part of it can be their profit margin and their bottom**
 16 **line.**
 17 If this was an integral part of the business model,
 18 if preventing child abuse on these platforms featured in
 19 the business model, then it starts to become much more
 20 relevant in terms of public conversation about who uses
 21 what platform.
 22 THE CHAIR: Thank you, Mr Jones.
 23 Ms Sharpling?
 24 MS SHARPLING: Thank you, Mr Jones.
 25 I want to make sure I've understood something you

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1 have said.
 2 You've indicated that there are around 400 arrests
 3 per month across England -- is that England and
 4 Wales? --
 5 **A. It is.**
 6 MS SHARPLING: -- for those viewing indecent imagery of
 7 children?
 8 **A. Mm-hm.**
 9 MS SHARPLING: That suggests, given the volume that you've
 10 talked about, the NCA will know of potential offenders
 11 who are not arrested under that particular scheme. That
 12 would be right, wouldn't it?
 13 **A. So, no, that effort is undertaken between the National
 14 Crime Agency and national policing. The majority of
 15 that demand that we talk about in those 400 arrests is
 16 being felt by local policing and local policing teams
 17 and, at the moment, the current policy position is all
 18 of these referrals will be pursued for a criminal
 19 justice pursue outcome. That means all of those
 20 individuals are being pursued.**
 21 MS SHARPLING: What I'm really driving at is, given the
 22 proliferation of indecent imagery, is the only way that
 23 law enforcement can prevent this with their duty as to
 24 prevent crime, do they then really have to rely on the
 25 ability of industry to remove hashed images by

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1 **was relatively quickly because the impact on them was so
 2 acute, by the time they came to our industry round
 3 table, which is in my evidence, they had taken those
 4 steps to engage a child protection adviser and begin
 5 proactive moderation of their live streaming.**
 6 MR FRANK: Thank you, that's very helpful. If you can give
 7 a little bit more detail --
 8 **A. I can.**
 9 MR FRANK: Thank you.
 10 THE CHAIR: Thank you. No further questions, Mr Jones.
 11 MS CAREY: Chair, would that be a convenient moment to break
 12 for lunch? There will be a short statement after lunch
 13 and then we'll return with Mr Bailey.
 14 THE CHAIR: Thank you very much. We'll return at 2.00.
 15 (12.52 pm)
 16 (The short adjournment)
 17 (2.00 pm)
 18 THE CHAIR: Mr Krishnan?
 19 Statements of IN-X1 and IN-X2 (read)
 20 MR KRISHNAN: Good afternoon, chair.
 21 I will now read or summarise from the witness
 22 statement of IN-X1 and IN-X2, which is dated
 23 1 March 2019.
 24 It is behind your tab 4.
 25 As they say at 14 of their statement, IN-X1 and

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1 prescreening?
 2 **A. We absolutely need to prevent offending and you can
 3 prevent offending if you remove hashed images through
 4 prescreening, because, if you prevent an individual from
 5 viewing the image, the offence isn't made out and you
 6 are preventing a criminal offence.**
 7 **So there is the link between the two, and we need
 8 industry to make sure that there is no tolerance of
 9 known images on these platforms, because, if you can
 10 identify it through technology, it just shouldn't be
 11 there.**
 12 MS SHARPLING: All right, thank you.
 13 THE CHAIR: Mr Frank?
 14 MR FRANK: Just one small point of detail, really, but it
 15 bears on the question of the incentives of industry to
 16 assist in this. One of the incentives I think you've
 17 already indicated in respect of at least one company,
 18 which was Yellow, was the public opprobrium that came
 19 through the media criticism and they reacted pretty
 20 quickly. I wondered if you could help us as to how
 21 quickly, because I understand the criticism of them was
 22 in early 2018.
 23 How long did it take them before they improved
 24 things?
 25 **A. So we can come back to you with the exact detail, but it**

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1 IN-X2 formed a group known as Dark Justice on
 2 2 October 2014.
 3 At 15 to 16 and 18 to 21, they say, I summarise,
 4 that they formed this group because, as concerned
 5 citizens, they wanted to play their part in protecting
 6 children across Britain from online abusers in
 7 circumstances where, they say, the police and existing
 8 agencies are clearly incapable of doing so.
 9 At paragraphs 29, 30 and 32, they say, I summarise,
 10 that Dark Justice comprises the two of them. They are
 11 unpaid; however, their costs, fuel, evidence-gathering
 12 equipment, and so on, are funded from donations from
 13 members of the public.
 14 At paragraphs 37 to 48, they describe Dark Justice's
 15 activities and operations. I quote from 37 onwards:
 16 "We use a range of platforms, including Facebook,
 17 Snapchat and other chat rooms. Some of these platforms,
 18 you can just sign into using an alias such as
 19 'Newcastle 13', which might be used to indicate the age
 20 of the platform member or user.
 21 "On Facebook, we join into groups like Justin Bieber
 22 fan groups and pose as a decoy profile. We usually post
 23 things that a teenager would say, such as comments about
 24 a new music video. We then start to get lots of
 25 responses with strangers seeking to add our decoy

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1 profile as a friend on Facebook.
 2 "If a child, or in this case the decoy, accepts the
 3 friend request from a stranger, then the stranger is
 4 able to see their photographs on their account and to
 5 privately message the child or decoy.
 6 "We do not initiate contact, we always wait for
 7 a potential perpetrator to message our decoy account
 8 first. Our experience is that perpetrators are quick to
 9 instigate contact with an apparently new child. Once
 10 contact is established, we quickly state the age of the
 11 decoy profile, so as to ensure that the new contact is
 12 fully aware of the age of the decoy profile.
 13 "There is then usually an exchange of messages and
 14 perpetrators will make every effort to keep the
 15 communications with the decoy child going. They will
 16 often try to quickly sexualise the exchanges, this is by
 17 steering the exchanges on to sexual matters, including
 18 asking for pictures of the decoy child. They also seek
 19 contact details, in particular the decoy child's mobile
 20 telephone number. Once they have such contact details
 21 they can then engage in direct contact with the decoy
 22 child and step up attempts to groom the decoy for abuse.
 23 They will often suggest meeting the decoy child in the
 24 full understanding that the decoy child has said that
 25 they are only 13 or 14 and thus underaged. The

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1 I invite you to read them.
 2 (Pause)
 3 Could we have the second page, please?
 4 (Pause)
 5 And the third page.
 6 (Pause)
 7 If we can turn back to the statement, at
 8 paragraph 54, the witness has explained what typically
 9 happens next. They say, and I quote:
 10 "When perpetrators ask to meet up with the decoy
 11 child, we allow the perpetrator to make the proposals
 12 for the meeting and then agree arrangements for the
 13 meeting. This is between the decoy child and the
 14 perpetrator."
 15 They then go on to explain, at paragraphs 58
 16 onwards, what happens when they meet with the
 17 perpetrators.
 18 "When we apprehend a suspected online predator, we
 19 do so carefully so as not to damage any subsequent
 20 police investigation and prosecution. We attend the
 21 arranged meeting and we film the whole encounter to
 22 retain a full record of the encounter. The first step
 23 we take is to confirm the identity of the suspected
 24 perpetrator from a distance. We do this by calling the
 25 number that the suspect has provided to the decoy child.

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1 perpetrator will quickly begin to move the chat towards
 2 sexual matters. He will attempt to groom the child with
 3 flattery, offers to buy the child gifts and to ask the
 4 child to let him be a girlfriend or boyfriend."
 5 At paragraphs 50 to 51, the witnesses give
 6 an example of Dark Justice assisting with the
 7 apprehension of a perpetrator.
 8 They say, and I quote:
 9 "Louis Beagen was convicted at Newport Crown Court.
 10 He was jailed for 18 months and made the subject of
 11 a Sexual Harm Prevention Order for ten years. During
 12 the trial, the court heard that he had previously been
 13 jailed for more than 5 years in 2014. This was for
 14 rape, for sexual activity with a child and inciting
 15 a child to engage in sexual activity."
 16 At paragraph 51 the exhibits and screenshots of
 17 Mr Beagen's online grooming of the decoy child that they
 18 established.
 19 Chair, those screenshots are behind tab B of your
 20 bundle.
 21 For those following these proceedings, please could
 22 we also have INQ004152_001 on the screen.
 23 The messages in white are by Mr Beagen and the
 24 messages in green are by the decoy child.
 25 Chair, these messages speak for themselves and

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1 When the suspect answers, and we record them doing so,
 2 we then call the police. Depending on the
 3 circumstances, we will confront the suspect and
 4 challenge him as to why they are seeking to meet a child
 5 who is not known to them.
 6 "Again, depending on the circumstances and the
 7 strength of evidence we have gathered, we will sometimes
 8 detain the suspect under section 24 of the Police and
 9 Criminal Evidence Act ..." which the witnesses then go
 10 on to quote.
 11 Over the page, at paragraph 64, they say that this
 12 section of PACE allows persons to apprehend someone
 13 until a police constable arrives.
 14 At 65, they say:
 15 "When we do apprehend a suspect, we do so only until
 16 police, who have already been called, arrive and the
 17 suspect is handed over into the custody of the attending
 18 police constable."
 19 At paragraph 67, they say:
 20 "We arrange the meetings with suspects in order to
 21 demonstrate to the police the suspect's intention to
 22 meet a child whom they have already groomed online and
 23 have arranged to meet."
 24 At paragraph 70 they say:
 25 "We would also emphasise that we only confront and

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1 detain persons who have communicated with a decoy child
 2 sexually and where there is a clear intention on the
 3 part of the perpetrator to take the sexual abuse further
 4 by meeting the child in person."
 5 At the beginning of 71:
 6 "We do not confront and detain persons who have not
 7 spoken or communicated with the decoy child in a sexual
 8 manner."
 9 Moving on to paragraphs 100 to 104, they describe
 10 their interaction and co-operation with the police.
 11 They say in summary that having received a call from
 12 Dark Justice, the police will normally dispatch two
 13 police officers who will arrest the suspect. The
 14 witnesses say that they go straight to the police
 15 station where they hand the police a DVD disc which
 16 includes the relevant screenshots and they later provide
 17 the police with the video of the arrest.
 18 At paragraphs 86 to 87, going back in the statement,
 19 they describe what they do and do not do in order to
 20 publicise the work of Dark Justice. They say:
 21 "We never upload videos until the conviction is
 22 secured. Firstly, to protect the identities of people
 23 who may not eventually be convicted, but also to ensure
 24 a fair trial is not compromised by publicising the
 25 defendant's offence beforehand. We never live stream

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1 people. 96 of these pleaded guilty or were found guilty
 2 by jury in the Crown Court. 44 offenders were
 3 imprisoned out of the 96 and the remainder of the people
 4 are either on bail or under investigation."
 5 Over the page, paragraph 81, they draw a contrast
 6 between their work and the work of the police. They
 7 say, and I quote:
 8 "We are not seeking to compete with the police, but
 9 to assist them in an area where they do not have the
 10 expertise, understanding or resources to act properly,
 11 or at all, to protect children from sexual abuse. Over
 12 the last 4 years, we have consistently received messages
 13 through our Facebook page from members of the public
 14 who, on reporting to the police, have been informed that
 15 the police are unable to track down the person
 16 attempting to groom the child. The usual advice that's
 17 given by the police has been to block the account or
 18 that they can't do anything as the social media company
 19 is based overseas.
 20 "On one occasion, a parent, whose daughter had been
 21 groomed, was told by the police that they could not
 22 track the person. Within 15 minutes, using the same
 23 information that had been given by the police, we were
 24 able to identify a name and address which was passed on
 25 to the police, a male was later charged and brought

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1 videos. Live streaming videos can destroy an innocent
 2 person's reputation if, for example, investigators
 3 targeted the wrong individual in a case of mistaken
 4 identity, although we have never made this mistake, but
 5 also, secondly, it might jeopardise the trial of someone
 6 who might otherwise have been found guilty of
 7 a child-related sexual offence and we would never want
 8 a conviction to be lost simply to chase publicity."
 9 At paragraph 89, they go on to say:
 10 "Although Dark Justice does not live stream videos,
 11 we upload videos to YouTube and Facebook after
 12 a conviction has been secured."
 13 At 92, they say, and I quote:
 14 "We do publish after conviction for a number of good
 15 reasons."
 16 At 93:
 17 "One is to deter other potential offenders by making
 18 sure that they see that effective action has been taken
 19 against others."
 20 94:
 21 "There's the effect of educating parents to make
 22 them aware of the risks to their children online."
 23 On the topic of results, they say at paragraphs 72
 24 to 73, I quote:
 25 "Dark Justice has assisted in the arrests of 165

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1 before the courts where he pleaded guilty.
 2 "We believe that this is an educational issue. If
 3 the police are willing to learn more about how social
 4 media platforms work and make contact with the social
 5 media companies, a lot more could be done to apprehend
 6 paedophiles."
 7 At paragraph 114, on the topic of criticisms of
 8 Dark Justice and other similar organisations, they say,
 9 and I quote:
 10 "Much criticism is either unsubstantiated and
 11 directed at smearing our work or is well intentioned but
 12 is deeply uninformed."
 13 At paragraphs 122 to 124, they quote:
 14 "Criticisms made by law enforcement to the effect
 15 that vigilante groups demonstrate a real disregard for
 16 broader safeguarding, such as by live streaming, that
 17 there have been operations which have gone badly wrong,
 18 that such groups are doing far more harm than good and
 19 that, if the police and tech companies were to police
 20 the chat rooms where the grooming takes place, then
 21 actual vigilantes would go out of business."
 22 In response to this criticism, the witnesses say, at
 23 paragraph 125, that they remain able to work with the
 24 police and offer guidance on how they can best work with
 25 groups like Dark Justice and that they have never live

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1 streamed their videos and discourage other groups from
 2 doing so.
 3 At paragraph 134 they say that they agree with some
 4 comments made in the press by the then chair of the
 5 Association of Police and Crime Commissioners, that
 6 there needs to be a way to ensure that this type of
 7 activity is carried out as safely as possible, with
 8 appropriate focus on minimising the risk to the
 9 volunteers and the subjects of their activity, while
 10 maximising the chance of getting a conviction.
 11 At 143 the witnesses they, and I quote:
 12 "A solution to this would be for the police to allow
 13 individual citizens to work with them in an agreed
 14 framework which avoids the problems of RIPA and also the
 15 lack of resources. There are, as we have evidence of,
 16 lots of concerned citizens, who are willing to dedicate
 17 time as volunteers to this kind of activity. If they
 18 were properly supervised and regulated, there could be
 19 many more."
 20 At paragraphs 163 to 165, they make certain comments
 21 about Facebook. In summary, they say that Facebook is
 22 far ahead of other social media outlets with regard to
 23 safety options.
 24 They make three comments, however: first, that the
 25 reporting process could be made simpler; next, that it

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1 in January of 2018.
 2 I won't take you over everything that you gave
 3 evidence about on that occasion. If anyone wishes to
 4 look on the inquiry website, you gave evidence on
 5 24 January of last year.
 6 As an overview of that evidence, Chief Constable,
 7 you explained how child sexual abuse and exploitation
 8 became a priority for policing. You told us about some
 9 of the funding arrangements that were in place, evidence
 10 about Outcome 21 --
 11 **A. Yes.**
 12 Q. -- amongst a number of other matters?
 13 **A. I did.**
 14 Q. I'd like, please, your help with, really, developments
 15 since that statement that you made as a precursor to
 16 your evidence in January. Can I turn you, please, in
 17 your statement to paragraph 22, and really start with
 18 the updated figures in terms of scale of the number of
 19 indecent images of children.
 20 Now, I think, Chief Constable, you were present when
 21 the witness from the National Crime Agency gave evidence
 22 this morning?
 23 **A. I was, yes.**
 24 Q. To round the figures and make them more easily
 25 digestible, I think, in 2017, there were approximately

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1 is not clear what Facebook does in response to reports;
 2 and, third, that it is not clear whether Facebook
 3 retains copies of messages where a sender uses the
 4 site's functionality in order to delete messages that
 5 have been sent and received by him.
 6 I'll now pass you on to Ms Carey for Mr Bailey.
 7 MS CAREY: Chair, can I ask, please, that the witness is
 8 sworn.
 9 CHIEF CONSTABLE SIMON BAILEY (sworn)
 10 Examination by MS CAREY
 11 MS CAREY: You are Chief Constable Simon Bailey?
 12 **A. That's correct.**
 13 Q. Chief Constable of Norfolk, I believe?
 14 **A. I am, yes.**
 15 Q. As far as this inquiry is concerned, you are the
 16 national police lead for child protection and abuse
 17 investigations?
 18 **A. That's correct.**
 19 Q. NPCC lead for short?
 20 **A. That's right.**
 21 Q. Can you help us, please, how long have you held this
 22 position for, Chief Constable?
 23 **A. Five and a half years now.**
 24 Q. Now, the chair and panel will recall that you gave
 25 evidence in phase 1 of this investigation back

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1 82,000 referrals to the National Crime Agency from
 2 NCMEC, and in 2018 it was just shy of 114,000 referrals?
 3 **A. That's correct.**
 4 Q. Given that number of referrals, are you able to help us
 5 with the number of arrests that have been made, roughly,
 6 over the last year or so?
 7 **A. The number of arrests every month remains consistent in**
 8 **the region of 400 to 450 arrests every month. The**
 9 **number of children safeguarded is again between 500 and**
 10 **600, every month. So the service's response to the**
 11 **increase has been -- has been consistent.**
 12 Q. It may have been consistent, but given that there is
 13 a large increase in the number of referrals, why is it
 14 that there hasn't been a significant increase in the
 15 number of arrests and children safeguarded in the last
 16 12 or 15 months or so?
 17 **A. I think, as much as anything, it's the capacity within**
 18 **our system to be able to cope with the demand, and the**
 19 **prioritisation of the resources that we have, so there**
 20 **has been a greater investment in our undercover activity**
 21 **and a lot of focus targeting those people that are**
 22 **grooming offenders.**
 23 **We are then targeting and investing more time in**
 24 **those individuals who would pose a higher risk, those**
 25 **individuals that potentially pose higher harm -- and**

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1 I use that language advisedly, because I don't want to
 2 infer for one minute that, just because somebody might
 3 be what we perceive to be a low-risk threat, it doesn't
 4 mean that they shouldn't be the subject of our attention
 5 and the focus of colleagues.
 6 But we are having to deal with an increasing number
 7 of referrals from the National Crime Agency. We have
 8 exploited our own opportunities to target individuals.
 9 When you look at the capacity within the system, it's --
 10 I believe that the capacity that exists is being used to
 11 target those offenders who pose the greatest threat to
 12 children, whilst absolutely recognising that there is
 13 going to be a percentage of operations and warrants that
 14 can be executed that are simply just going to take
 15 longer than we would desire, but it's a case of
 16 prioritising the resource that we have.
 17 Q. Isn't there a concern in that, though, Chief Constable,
 18 that, given that those who sometimes view indecent
 19 imagery are actually committing contact sexual abuse
 20 offences, isn't there a risk that there will be children
 21 who are at risk by virtue of the fact that the number of
 22 arrests is not increasing in line with number of
 23 referrals?
 24 A. We are doing our best to ensure that our efforts are
 25 targeted against those individuals who will pose that

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1 continues to grow, thankfully. There is then the
 2 interfamilial abuse that we have become very adept at
 3 dealing with over many, many years. Then the emerging
 4 threat and the continuance of the emergence of new
 5 threats in the online space.
 6 As a Chief Constable, I'm having to balance the
 7 whole of that demand across the assets that I have
 8 within my organisation that are specialists within this
 9 field and ensure that we try to get the balance right
 10 whereby we are doing our best to protect children by
 11 targeting those individuals who, we would assess,
 12 present the greatest threat.
 13 Q. I understand the delicate balance across a number of
 14 harms of which you speak, but when one factors into that
 15 the evidence of Mr Jones, who gave evidence this
 16 morning, that, in tackling the sheer volume, perhaps, at
 17 the lower end of risk would free up resources for the
 18 NCA to tackle those who are perceived and are in fact
 19 the most significant risk to children, is there not
 20 perhaps more of an urge to try and deal with that
 21 lower-level offender to assist the NCA in their work at
 22 targeting the higher-risk offender?
 23 A. We work hand in glove with each other. We are doing our
 24 best, collectively, to target those individuals who
 25 would pose the greatest threat. But the facts are that

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1 contact risk. When I look at -- and I can say this with
 2 confidence -- the response that's being delivered by the
 3 National Crime Agency, and chief constable colleagues
 4 across the country, it is the most robust of any law
 5 enforcement response that I'm aware of in the world to
 6 date, and we are able to produce figures which
 7 demonstrate the impact that we are having on people that
 8 are viewing and sharing images, but we are targeting,
 9 every day, those individuals who through our risk
 10 assessment process, we believe pose the greatest threat.
 11 Q. When you speak of "lack of capacity", does it come down
 12 to a lack of staff and a lack of money that is
 13 preventing the local forces arresting more people?
 14 A. Well, it comes to down to there are a number of factors
 15 that we have to consider. So sitting as the National
 16 Police Chiefs' Council lead for child protection, I have
 17 the responsibility not only for the response to the
 18 online threat, but obviously to the ongoing present
 19 interfamilial threat we are dealing with every day, and
 20 of course in response to the demand through the
 21 independent inquiry.
 22 So you have child protection experts that are
 23 dealing with allegations of non-recent abuse in numbers
 24 that are the most significant that I'm aware that they
 25 have ever been, and the volume of referrals from IICSA

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1 the volumes of referrals are so great, that makes that
 2 very difficult to achieve.
 3 Q. Do you maintain the evidence that you gave on the last
 4 occasion that, from the NPCC perspective, you can't
 5 arrest your way out of the problem?
 6 A. We can't arrest our way out of the problem, and we have
 7 to look at a far more holistic approach. Mr Jones has
 8 spoken this morning about the importance of education
 9 and awareness and building resilience with young people
 10 so they are able to understand the threat that is
 11 potentially posed to them in terms of education within
 12 schools, the importance of reducing and impacting upon
 13 the proliferation of indecent imagery in terms of the
 14 ability to upload and to share those images, the
 15 importance of being able to police activity within chat
 16 rooms and across social media platforms.
 17 So it is very much from my perspective and I've
 18 talked about this for a long time now, how we develop
 19 and design and deliver, most importantly, a truly
 20 joined-up approach to the whole of the response, because
 21 we simply cannot arrest our way out of it.
 22 Whilst we are putting more and more people through
 23 the criminal justice system, the numbers continue to
 24 grow, the number of children that are at risk, I think
 25 it's there to be seen, and we have heard, and I have

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1 heard on too many occasions, the testimony of children
 2 that have been the subject of abuse and the harrowing
 3 impact that it has.
 4 Put we need to try and look at this from
 5 a perspective of we all have to come together, and we
 6 all have to play our part in addressing the threat and,
 7 whilst the police service, law enforcement agencies, the
 8 NCA, have a role to play in achieving that, it is just
 9 but a part of it.
 10 Q. Well, can I ask you this in terms, given that it's not
 11 the first time we've heard you saying the police can't
 12 arrest their way out of the problem, is that effectively
 13 a mantra being promoted by you to try and deflect from
 14 the failures of the police to go and arrest
 15 a significant proportion of offenders?
 16 A. Absolutely not. We are doing more -- as I said, I'm not
 17 aware of any law enforcement agencies, when you look at
 18 the numbers that we have got, that are doing what we are
 19 doing anywhere in the world, so I absolutely refute
 20 that, but there is a reality and we've heard about the
 21 reality this morning, just in terms of the scale of the
 22 challenge and the scale of the threat, that we are
 23 dealing with.
 24 Unfortunately, I wish I could sit here and say that
 25 I'm now seeing a plateauing out of the numbers of images

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1 it's not deterring offenders, they don't think they're
 2 going to get a knock on the door and an arrest and that,
 3 effectively, in saying what you said candidly, in
 4 effect, you're contributing to the problem by
 5 encouraging people to carry on offending?
 6 A. I would actually argue the opposite, that whilst we are
 7 at saturation point, the results speak volumes for
 8 themselves: 400, 450, almost exclusively men, are being
 9 arrested, every month. That's in excess of 5,000
 10 a year. Never has the fear of that knock on the door
 11 I think been as great, but I am -- I am not going to not
 12 be honest and be very candid in my response because
 13 I think the figures speak for themselves. But it is --
 14 it is in an environment -- this is what I think we have
 15 to be so careful of -- it is an environment whereby
 16 there is, quite rightly, significant national concern,
 17 at this moment in time, around the scale of knife crime,
 18 the number of murders that we've had in recent times,
 19 the challenges that we face around exploitation through
 20 county lines. Chief constables, every day, are dealing
 21 with the totality of threat.
 22 The response and the really joined-up approach that
 23 is being delivered by the National Crime Agency and the
 24 National Police Chiefs' Council, I genuinely think is
 25 an exemplar of how law enforcement can come together to

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1 that the Internet Watch Foundation are removing, the
 2 number of referrals that are coming into the National
 3 Crime Agency from the National Center for Missing and
 4 Exploited Children, but I don't see that reduction and
 5 I suspect, if we were to be having a conversation this
 6 time next year, we'd be reporting further sites taken
 7 down by the Internet Watch Foundation, further referrals
 8 from the National Center for Missing and Exploited
 9 Children, further referrals from the
 10 National Crime Agency into policing, because, at this
 11 moment in time, I just don't see any dropping away of
 12 that trend line that just says the numbers are just
 13 going to carry on growing.
 14 Q. If we were in that position in a year's time, would we
 15 still see roughly 400 to 450 arrests? Is the police at
 16 capacity now, no matter how much the figures/referrals
 17 go up?
 18 A. The service, I think, is at capacity. I cohosted
 19 a conference a month ago with colleagues from across the
 20 country who are experts within this field, and the
 21 capacity within the system, particularly tackling the
 22 online threat, I think it is at saturation point and has
 23 been for some time now.
 24 Q. Is there not a danger, Chief Constable, that in saying
 25 publicly, "We're at saturation point", that effectively,

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1 tackle a threat. But we have to be honest, and we have
 2 to understand that, actually, we are doing our best to
 3 tackle a threat which continues to grow, and we have
 4 a duty to try and do our best to ensure our assets, the
 5 people that work within this arena, are targeting those
 6 individuals who pose the greatest threat.
 7 Q. In that regard, may I ask you about something that you
 8 spoke about on the last occasion in your personal
 9 capacity, which was that you asked for a consideration
 10 to be given to dealing with low-level offenders by
 11 cautioning them and thereby by easing some of the burden
 12 and the pressures on the Crown Prosecution Service and,
 13 indeed, on the courts.
 14 I think you are aware, Chief Constable, that since
 15 that date, a statement has been provided by the
 16 Home Office in this inquiry that in fact looked at
 17 a pilot in, I think, 2015/16 to see if a diversionary
 18 scheme was feasible.
 19 Chair, we haven't heard from the Home Office
 20 witness, they're not coming until Wednesday, but just in
 21 a summary, the pilot assessed whether a low-risk
 22 offender could be diverted and given what is called
 23 a conditional caution. They would also be referred for
 24 intervention and treatment, and the pilot ran, I think,
 25 with 32 offenders being referred into the scheme, 23

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1 offenders actually participated in it, across two forces
 2 in the UK. There were some positives and some negatives
 3 and there was a proposal to roll it out for a 12-month
 4 period, but the pilot exposed some practical problems,
 5 did it not, not least that most of the offenders would
 6 not be eligible for such a caution and, in light of some
 7 of the figures that were run by the Home Office, it was
 8 deemed not realistic to consider that alternative
 9 approach?
 10 **A. That is all correct.**
 11 Q. So against the background of that feasibility study that
 12 was conducted by the Home Office, I want to understand
 13 why it is that you still press potentially for
 14 a diversionary scheme for the so-called low-risk
 15 offender?
 16 **A. Well, again, if I could address that in terms of the**
 17 **holistic response.**
 18 **We all know and we have seen, and Mr Jones has**
 19 **delivered the evidence this morning, that we are seeing**
 20 **an exponential increase in reports of abuse, we are**
 21 **seeing levels of depravity that are -- if they could get**
 22 **worse, are getting worse.**
 23 **We are seeing babies being subjects of sexual abuse.**
 24 **And what he and I both passionately and strongly**
 25 **believe is that we have to ensure we are focusing upon**

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1 **individuals that we believe, using polygraph, using our**
 2 **sex offender management techniques, we could force to**
 3 **confront their offending behaviour. And actually, it's**
 4 **a conversation that we should have, and I know it's --**
 5 **it's an unpalatable consideration for a lot of people,**
 6 **politically, it's very difficult, but I think we are**
 7 **dealing with an unprecedented challenge, and I would**
 8 **argue that we have to get to the position whereby the**
 9 **challenge that we have now, 2019 and beyond, is actually**
 10 **there to be able to meet the threat because, at this**
 11 **moment in time, there is too great a reliance upon the**
 12 **National Crime Agency and the National Police Chiefs'**
 13 **Council to be the solution to this.**
 14 **All I see is the numbers growing, the scale of the**
 15 **threat growing, the number of children being abused**
 16 **growing and, actually, we should be having a public**
 17 **debate that says: what else can we do to try and meet**
 18 **the threat?**
 19 Q. You spoke there of a public debate, but one of the
 20 things that the pilot considered was what the public
 21 thought potentially about a diversionary scheme such as
 22 that, and it was considered that the wider public
 23 interest and public support in prosecuting and not
 24 diverting people was a significant consideration and
 25 potentially a bar to any kind of diversionary scheme.

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1 **those individuals that pose that greatest threat.**
 2 **So that then leaves a group of offenders who,**
 3 **I believe, in this modern age, with the use of polygraph**
 4 **for the management of sex offenders, increasingly better**
 5 **ways of managing offenders within the community, that we**
 6 **could take some of the stress out of the system that**
 7 **would allow us to be given the space and the time and**
 8 **the capacity to target those offenders who would, if**
 9 **I can be candid, rape a baby.**
 10 **That is what I was talking about in 2017.**
 11 **The fact is that, as we meet here in 2019, levels of**
 12 **depravity that haven't been seen before are now being**
 13 **seen, the scale of the challenge is absolutely there.**
 14 **We have to have a conversation across the police**
 15 **service, across government, across the Ministry of**
 16 **Justice, across the Prison Service, that says, is it**
 17 **still viable? Is this still the best way of going**
 18 **ahead, whereby we know that only 25 per cent of**
 19 **offenders that are going before a court for indecent**
 20 **imagery offences are receiving a custodial sentence? We**
 21 **know -- because I've been into a sex offenders unit --**
 22 **when they go into prison, they're not receiving any form**
 23 **of rehabilitation whatsoever.**
 24 **So whilst the pilot was inconclusive and there are**
 25 **some challenges, I would still argue for those**

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1 Are you still engaged with the Home Office in trying
 2 to consider whether there is a feasible or viable
 3 alternative?
 4 **A. There's an ongoing dialogue because colleagues in the**
 5 **Home Office understand the scale of the threat. And --**
 6 **and I think we would all recognise that, actually, we**
 7 **have to look at how we not only meet the challenge now,**
 8 **but how we meet the challenge moving forward.**
 9 Q. In that regard, can I ask you, Chief Constable, about
 10 your paragraphs 24 and 25 in your statement. You say
 11 that the situation with the Internet Watch Foundation
 12 has changed significantly. Can you help us please with
 13 in what regards?
 14 **A. Well, the -- the work with the Internet Watch Foundation**
 15 **has now got to the point whereby the CAID asset is now**
 16 **shared. The IWF now have a direct link to the CAID**
 17 **which now has 13 -- I think 13.4 million unique images**
 18 **on it, and the IWF are now also able to view images and**
 19 **grade images on behalf of policing.**
 20 **The volume of hashes that are now being shared by**
 21 **the IWF has gone up incrementally, I believe it's in the**
 22 **region of 400,000 images are now being shared by the IWF**
 23 **with industry, so there is a partnership there between**
 24 **law enforcement, the Home Office the Internet Watch**
 25 **Foundation and industry to ensure that significant**

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1 **numbers of hash are available for industry to look at,**
 2 **and the IWF then have access to the CAID in terms of the**
 3 **uploading of images and the grading of images as well.**
 4 Q. In case it's not clear, can you just explain to us,
 5 please, what the practical benefit of the sharing of the
 6 CAID database is, as far as from a policing perspective?
 7 **A. Well, it allows the IWF to assist with the grading of**
 8 **images, which of course is of great assistance. At this**
 9 **moment in time, it has allowed us to share with industry**
 10 **the 400,000 hashes, which again goes some way to**
 11 **assisting industry to detect known images, so it is**
 12 **a very powerful tool.**
 13 Q. Does it help when speeding up the law enforcement
 14 response, this sharing of the database?
 15 **A. Yes, yes.**
 16 Q. You do say in your statement, though, that you have
 17 taken note of a recent IWF press release that reported
 18 that they removed over 100,000 web pages showing sexual
 19 abuse. Indeed, we heard from Ms Hargreaves last Friday.
 20 Lest anyone misunderstands, I want to read what you
 21 said in your statement. You say:
 22 "Whilst I commend the staff of the IWF for their
 23 commitment to their mission, I do not regard the yearly
 24 increase in the number of images being removed as
 25 a success. In my opinion, success would result in the

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1 **this area of work are now seeing, is a new set of**
 2 **offenders emerging. That group of young men who are**
 3 **viewing pornography on the web, who increasingly are**
 4 **becoming desensitised to what they are viewing on the**
 5 **web, and it gets to the point where they are not getting**
 6 **any sexual satisfaction or gratification whatsoever from**
 7 **viewing pornography, so they then move over to view**
 8 **indecent imagery of children.**
 9 Q. That was one of the things I was going to ask you about
 10 this afternoon, was the introduction or coming into
 11 force of the Digital Economy Act and I was going to ask
 12 you effectively why you thought that was such
 13 an important step in this regard.
 14 You may have already explained it, but as you
 15 understand it, it leads on to concerns about age
 16 verification generally. And there is a concern that
 17 those who are 12 can easily get round any requirement to
 18 put in a true date of birth when joining a social media
 19 platform by just changing the date of birth, it's no
 20 more difficult than that.
 21 What is it that you, as NPCC lead, expect the
 22 technological companies to do about that? Children have
 23 been lying about their age, dare I say it, for years?
 24 **A. I expect them to come up with age verification which**
 25 **makes it nigh on impossible for a child to be able to**

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1 IWF not being able to find any web pages with sexual
 2 abuse images of children."
 3 Is that a realistic sentiment expressed by you
 4 there?
 5 **A. I think that industry has the technology and the ability**
 6 **to eradicate indecent imagery, and if the technology was**
 7 **put in place, then I think what I've said there and what**
 8 **I've discussed with Ms Hargreaves is -- is an accurate**
 9 **assessment of what could be achieved. And, again, could**
 10 **I please be clear: the IWF staff -- I've been to the IWF**
 11 **headquarters -- they do a fantastic job and it was -- it**
 12 **was an interesting conversation with Ms Hargreaves,**
 13 **because the staff are -- it's brilliant what they do and**
 14 **viewing what they view, nobody should have to do that.**
 15 **But success would actually mean that they are going**
 16 **searching for it, they're using the database, but they**
 17 **cannot find it because industry has removed all the**
 18 **images.**
 19 **That, for me, would be successful.**
 20 **Now, I absolutely understand that that deals with**
 21 **but one part of the challenge, and we haven't talked**
 22 **about the dark web yet, but actually, if -- if on the**
 23 **open web it was nigh on impossible to find images, then**
 24 **that would be a real success factor for me, because what**
 25 **I am now seeing increasingly, and what partners within**

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1 **access that material. Because I -- and please don't**
 2 **think that I'm the next incarnation of Mary Whitehouse,**
 3 **I'm not, but actually, should children be able to go**
 4 **into a playground and view on computers -- because**
 5 **that's what smartphones now are -- pornography at such**
 6 **a tender and young age, where it's then starting to do**
 7 **damage, I believe, to their development.**
 8 **When you now look at the profile of people that are**
 9 **now viewing indecent imagery on line, the greatest**
 10 **percentage of people now viewing online is not, as**
 11 **I think an awful lot of people would perceive it to be,**
 12 **in the 40s and 50s, it's that age group of 18 to 24.**
 13 **The Digital Economy Act age verification is really**
 14 **an important element in that, and it goes back, forgive**
 15 **me, to the importance of, in the open web, making sure**
 16 **that people can't access that imagery.**
 17 **Because once you then get to that point where you**
 18 **are becoming desensitised and you are then committing**
 19 **a criminal offence by looking at indecent imagery, if it**
 20 **wasn't there and it wasn't readily available -- because,**
 21 **unfortunately, it is readily available -- that group of**
 22 **young men then wouldn't start to commit criminal**
 23 **offences.**
 24 Q. Can I just ask you briefly about whether there is any
 25 NPCC update in relation to the response to live

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1 streaming. We've heard evidence about the challenges
 2 that it poses and I was just wondering whether there was
 3 any additional evidence that you would wish to give in
 4 relation to what you're seeing on it and, indeed, how
 5 the local police forces are trying to tackle that
 6 problem?
 7 **A. Again, the response to live streaming, we have done**
 8 **a lot to flag up the risks to children, so to parents,**
 9 **to teachers, to raise the profile of this, that live**
 10 **streaming apps present a danger. So we have done a lot**
 11 **to raise the profile of awareness.**
 12 **We have then invested £20 million of Home Office**
 13 **money into tackling the threat through the use of our**
 14 **undercover online officers, but, you know, within my**
 15 **statement there is reference to the fact that the**
 16 **emergence of 4G and 5G and live streaming is going to**
 17 **present a greater risk. We know that we are the third**
 18 **greatest consumer in the world of the live streaming of**
 19 **abuse, we know that there is a real problem in the area**
 20 **of the Philippines, and genuinely, Mr Jones and I would**
 21 **have a real fear that with the emergence of 4G and 5G on**
 22 **the African continent, we are going to end up with**
 23 **a very similar situation, so I genuinely have a real**
 24 **concern.**
 25 Q. Can I just ask you about that, because people may not be

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1 **legislation might look like in terms of taking that**
 2 **forward with the caveats in place in terms of police**
 3 **officers going about their lawful business. There would**
 4 **need to be some careful framing of any new legislation,**
 5 **but is it something worth exploring? Yes.**
 6 Q. On one view, if you could identify those adults who are
 7 posing as a child before they even get to the stage of
 8 sharing a sexual communication with a child, you might
 9 be nipping the problem in the bud, to use the
 10 colloquialism?
 11 **A. You could, but there is a significant caveat with this.**
 12 **Again, with new -- with new legislation, inevitably**
 13 **comes, what's the response going to be? How would we go**
 14 **about policing that new legislation? Would that then**
 15 **place even greater demand into a system that is already**
 16 **having to cope with overwhelming volumes of referrals,**
 17 **overwhelming volumes of abuse? It would pose a real**
 18 **challenge.**
 19 Q. One of the potential ways of ameliorating the
 20 overwhelming problem of which you speak, might be to
 21 consider the NPCC's response to working with those who
 22 are termed as "online child abuse activist groups", they
 23 have previously been referred to as "paedophile hunters"
 24 and names of that kind. I just want to ask you about
 25 that, please, because, in January's hearing last year,

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1 familiar with what, in fact, in practice, the emergence
 2 of 4G and 5G is going to bring about as far as law
 3 enforcement. What is the actual effect of the
 4 introduction of that?
 5 **A. Well, in the way that technology and now allows somebody**
 6 **to go on and use their credit card to pay for and**
 7 **instruct the live-time sexual abuse rape of a child in**
 8 **the Philippines, 4G and 5G, moving then across onto the**
 9 **African continent, will allow exactly the same thing to**
 10 **happen. So you will sit in front of a monitor, having**
 11 **paid maybe as little as £10 or £15, no more than that,**
 12 **on your credit card. You will then direct how that**
 13 **child is then sexually abused.**
 14 Q. I think the 20 million of which you spoke also goes some
 15 way to the response to grooming online?
 16 **A. Yes.**
 17 Q. I'm asked to ask you this, Chief Constable: if you would
 18 consider that the creation of an offence of posing
 19 online as a child, perhaps without reasonable excuse,
 20 would be an additional tool in addition to section 15
 21 and section 15A of the Sexual Offences Act, do you
 22 perceive any benefit by bringing in perhaps a criminal
 23 offence of that kind?
 24 **A. I think it's something that we could absolutely discuss**
 25 **with colleagues in the Home Office and look at what the**

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1 you expressed concern about the activities of some of
 2 those online groups, you were worried about the way they
 3 operated, whether they appropriately safeguarded other
 4 children, and you cited an example of a group who
 5 live streamed a confrontation which led to the
 6 offenders' children being identified and exposed.
 7 I think you were present when a statement or summary
 8 was read out from a group who are called Dark Justice.
 9 Indeed, their work, they said, resulted in 96 guilty
 10 pleas, and they propose potentially an agreed framework
 11 to make more use of those who wanted to carry on this
 12 kind of online child abuse activity.
 13 I understand that in the press earlier this month,
 14 you essentially said that the groups did lead to
 15 convictions, but you also were concerned that the groups
 16 led to people being attacked.
 17 Can we have, please, your evidence on either what is
 18 your view, and/or the NPCC's view, if they differ, as to
 19 whether there should be greater use of those activist
 20 groups that want to try and help in this area, given the
 21 demands of which you speak?
 22 **A. Yes the National Police Chief Council's position on this**
 23 **is now very clear: a paper has been presented to the**
 24 **council which has been supported by all 43 forces, and**
 25 **I can share that with the inquiry. But our position on**

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1 **this is clear: we do not support working with online**
 2 **child activist groups for a significant number of**
 3 **reasons, not least of all the risks that are posed to**
 4 **children and the fact that these operations are mounted**
 5 **without any due regard to the safeguarding risks and the**
 6 **broader safeguarding risks that might be there; to the**
 7 **conduct and the quality of the investigations**
 8 **themselves. And we have seen, and I have examples of,**
 9 **cases where people have then been subject to blackmail.**
 10 **People have been subject of beatings. It's the impact**
 11 **upon the family, of these potential -- these**
 12 **individuals. It's the quality of the evidence.**
 13 **It's the demand that it places upon already existing**
 14 **resources who are struggling to cope with the demand, in**
 15 **terms of taking them away from their day job.**
 16 **So --**
 17 Q. Can I ask you about that?
 18 A. Yes.
 19 Q. Why is it that, actually, an online activist group such
 20 as Dark Justice meet the offender, they've got the text
 21 messages or the WhatsApp group messages or the emails
 22 whatever it is, they go and confront them, don't live
 23 stream it and have already contacted the police, and
 24 indeed the police are in attendance shortly thereafter,
 25 how is that adding to the work of the police? Surely

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1 **a position of sexual contact with a child, or inciting**
 2 **sexual content with a child, it can destroy a family and**
 3 **it can be done in a certain way whereby that family is**
 4 **not exposed, that we understand the safeguarding risks**
 5 **when we execute that warrant in a way that these**
 6 **organisations just have no regard for.**
 7 Q. You don't envisage any way of there being some kind of
 8 framework or agreement -- I only put it because that's
 9 what was suggested in the statement that was just read
 10 out -- there might be a framework or agreement that
 11 could utilise the resources of these people without
 12 causing the problems with safeguarding to children that
 13 you've just spoken of?
 14 A. I genuinely -- I don't. And again, please, this should
 15 be in the context of -- and I will do my best to try and
 16 place context throughout my evidence. This is in the
 17 context of over 400 people being arrested every month,
 18 month after month, after month. So to say that we don't
 19 have the expertise, the skills, the capacity, quite
 20 frankly, I just think is misleading and it's not true.
 21 Q. May I ask you about one other topic before we take our
 22 afternoon break, and I'd like your help, Chief
 23 Constable, please, with your comments on an article that
 24 appeared in The Telegraph this year.
 25 Chair, can we call up on screen, please,

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1 it's making it easier for you to do your jobs in other
 2 areas?
 3 A. But it's not --
 4 Q. Explain, please.
 5 A. -- in that (a) one of our communication data experts
 6 will probably then have to spend a day, then turning
 7 into evidence via RIPA applications -- sorry, the
 8 Regulation of Investigatory Power Act applications -- to
 9 then build that case. During the course of that day,
 10 they could have identified maybe three or four online
 11 offenders who we would -- who we would then go and
 12 target.
 13 But my greatest fear -- so there is the additional
 14 workload that this is placing upon us, but my greatest
 15 fear is that these groups do not have in place, or do
 16 not put in place, all the necessary checks and balances
 17 and safeguarding arrangements that we will put in place
 18 and ensure that all our operations are surrounded by to
 19 ensure that children are not put at risk as a result of
 20 that activity.
 21 That the -- the destruction that it will cause
 22 potentially to a husband or -- sorry -- a partner, and
 23 the children, is managed in a sensitive way, because you
 24 can imagine, officers executing a warrant and then
 25 telling that individual they are now under arrest on

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1 INQ004190_001. It's behind your tab 1.
 2 This is an article, actually, from 21 January this
 3 year with the headline "WhatsApp is failing to stop
 4 paedophiles sharing child abuse images, say police".
 5 In fact if one goes over in the bundle to the next
 6 page and on to page 002, please, one can see there that
 7 in the second paragraph down, you are quoted as:
 8 "... singling out the Facebook-owned messaging app,
 9 WhatsApp, after evidence that paedophiles have set up
 10 groups on the site with titles such as 'Only Child
 11 Pornography', 'CP', which is short for 'Child
 12 Pornography' and 'Gay Kids Sex Only'.
 13 You said:
 14 "I have particular concerns, as does the NCA, about
 15 WhatsApp and their response to the way their platform is
 16 being used. It is being used by offenders to facilitate
 17 the sharing of indecent images and to groom children
 18 online. I would like them to ensure people can't use
 19 their system to share indecent imagery and ensure they
 20 are able to monitor and identify inappropriate
 21 approaches to, and grooming of, young people.
 22 "They need to tell the police as soon as that
 23 happens. They are not as proactive as I would like them
 24 to be. A lot more needs to be done."
 25 Now, I just single that out as one example of

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1 a number of articles that have been in this area, and
 2 it's not to particularly bring the focus upon Facebook
 3 and, indeed, WhatsApp, but we did hear evidence this
 4 morning of a sense of discretion that is perhaps applied
 5 by the National Crime Agency in not naming and shaming
 6 some of the tech companies that have these problems on
 7 their platforms.
 8 In this article, at the very least, you appear to
 9 have taken a different approach and, in fact, have
 10 singled out WhatsApp owned by Facebook. Why have you
 11 differed in the approach to that of the
 12 National Crime Agency?
 13 **A. Over the last five -- five plus years, within my role as**
 14 **the National Police Chiefs' Council lead for child**
 15 **protection, I have turned down far more opportunities to**
 16 **do interviews and talk about matters like this than**
 17 **I have actually taken. But when I have taken that**
 18 **opportunity, I believe that I have used the voice as**
 19 **a chief constable -- and this not around Simon Bailey**
 20 **but this is around a chief constable -- using their**
 21 **voice to shine a light on the challenges that we face,**
 22 **to encourage parents and teachers to raise levels of**
 23 **awareness and understanding of some of the risks that**
 24 **are there.**
 25 That particular Telegraph article highlighted

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1 Q. Can I ask you about that, then, before we break.
 2 WhatsApp's messaging is clearly end-to-end encrypted and
 3 the chair and panel have heard about that. Do you
 4 accept it is difficult, therefore, to monitor the
 5 content where there is end-to-end encryption?
 6 **A. Yes, I think I'd say -- I've used the words "more than**
 7 **difficult".**
 8 Q. Impossible?
 9 **A. Yes.**
 10 Q. Last week, though, on behalf of Apple, evidence was
 11 given about the priority that Apple's customers place on
 12 their privacy and security. Can I just quote you from
 13 the witness and then ask you for your response.
 14 Ms Polinsky said, for example:
 15 "Answer: ... Without encryption -- I want you just
 16 to consider the types of data that you may have on any
 17 one of your electronic devices: your photographs; your
 18 personal photographs; your passwords; your medical
 19 records; your financial documents; communications with
 20 loved ones ...
 21 "All of that data is fundamentally accessible
 22 without encryption. Our platforms are under attack
 23 constantly by hackers who are looking to obtain whatever
 24 data they can obtain.
 25 "Now, we view it as a fundamental right of our

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1 **blatant instances whereby WhatsApp, the platform, was**
 2 **being used for paedophiles to view indecent imagery of**
 3 **children.**
 4 **I thought, at that point, it was right to shine the**
 5 **spotlight on that particular platform, and to register**
 6 **my concerns around the fact, and as much as anything,**
 7 **and as Mr Jones said this morning, this is around**
 8 **raising awareness, making sure that there is**
 9 **an appreciation out there, but also, it is saying -- and**
 10 **I've said it in other very public forums like the Home**
 11 **Affairs Select Committee -- that these companies, and in**
 12 **this case Facebook and WhatsApp, need to do so much more**
 13 **to protect children.**
 14 **Have I been successful or not? I am not sure. But**
 15 **what I am doing is I am doing my best to raise the**
 16 **profile and to keep the profile at the forefront of**
 17 **people's minds, and doing my best, ultimately, to**
 18 **protect children, because that's what my mission is.**
 19 **This is not around attacking individual platforms or**
 20 **individual service providers, but this is around shining**
 21 **a light on the real threat that's out there and**
 22 **encouraging people to become aware and encouraging**
 23 **people just to take note and perhaps be a little bit**
 24 **more cautious and a little bit more careful about the**
 25 **risks that are there.**

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1 customers ... to protect their data ..."
 2 She said this:
 3 "And as much as I would love to have an exception
 4 that would only be an exception for child protection,
 5 that would be amazing, the truth of the matter is that
 6 any exception to encryption is an exception for anyone
 7 and is something that can be exploited by anyone ..."
 8 If society, public, parents and, indeed, children,
 9 as they get older, want to protect their private data,
 10 by end-to-end encryption, which is not illegal, how is
 11 it that law enforcement envisages that balance between
 12 people's right to privacy and their desire for it, and
 13 the difficulties that end-to-end encryption poses for
 14 law enforcement?
 15 **A. I guess I would -- I would like to have the conversation**
 16 **with that witness, and -- and to ask the question of**
 17 **her, "When you were speaking to your customers, did you**
 18 **ask them specifically about the privacy that they would**
 19 **expect if they were viewing, sharing, child sexual abuse**
 20 **imagery"? I'm not sure that, at that point, they --**
 21 **they wouldn't then differentiate and turn around and say**
 22 **"Well, look, absolutely, I want my photographs, my**
 23 **banking details, all that to become private, but of**
 24 **course, if I know, and you know, that somebody is**
 25 **abusing a child or sharing abusive imagery, then you**

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1 surely give up your right to privacy". And I'd like to
 2 have had that -- or be in a position to be able to have
 3 that conversation, because end-to-end encryption is
 4 going to make an already incredibly difficult task for
 5 myself, the National Crime Agency, so much harder.
 6 Q. But the point Ms Polinsky was essentially driving at
 7 was, even if we all wanted to have an opt-out clause and
 8 say "No, if it comes to detecting child abuse or if it
 9 comes to detecting terrorist content" -- she's saying
 10 that can't be done yet. So how is it that law
 11 enforcement is going to try and get around, in
 12 a different way, the problem that end-to-end encryption
 13 poses?
 14 A. Well, I think then that there needs to be with these
 15 companies some form of key that would afford access, and
 16 a very clear understanding from all customers that sign
 17 up to the contract that that key to break -- to break
 18 the privacy would only ever be used in exceptional
 19 circumstances, and the list would be: countering
 20 terrorism; dealing with indecent imagery; the sexual
 21 abuse of a child.
 22 MS CAREY: Chair, would that be a convenient moment to
 23 break?
 24 THE CHAIR: Yes, we'll return at 3.15.
 25 MS CAREY: Thank you.

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1 between policing and some industry platforms was good?
 2 A. That's correct.
 3 Q. Two of the forces that were asked to assist in this
 4 statement thought that, in fact, companies worked
 5 extremely well with law enforcement?
 6 A. That's correct, yes.
 7 Q. Where there is a non-life-at-risk request what was the
 8 response like from the forces that you spoke to in this
 9 regard?
 10 A. I'm not saying it's the polar opposite, but actually,
 11 there was a really significant contrast in terms of the
 12 support and the response that they felt that they got
 13 when there was a life at risk in comparison to when
 14 there wasn't a life at risk, and they made specific
 15 references to inconsistencies in how platforms deal with
 16 requests and communications. They talked about
 17 timeliness in terms of the responses and it taking, on
 18 occasions, weeks; they talked about there being a really
 19 burdensome and lengthy request process that was there;
 20 different processes were in place with no common
 21 practice across industry; that age limit checks were
 22 being easily bypassed; disparity in how personal data
 23 and information, how long it was being kept for; and the
 24 fact that there was different levels and quality of
 25 moderation within chat rooms.

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1 (3.00 pm)
 2 (A short break)
 3 (3.15 pm)
 4 MS CAREY: Thank you, chair. Mr Bailey, can I ask you,
 5 please, about some of the evidence you give in your
 6 second statement which you should find behind tab 2 in
 7 that bundle.
 8 I think you were asked by the inquiry to provide
 9 some further information with examples of assistance
 10 that was sought by industry -- sought from industry,
 11 I should say, by law enforcement.
 12 I appreciate that in giving these examples you have
 13 taken evidence from different forces and may not be able
 14 to personally speak about all of the examples that are
 15 given, but firstly, in terms of what you describe as
 16 positive responses, from the NPCC's perspective where
 17 life is at risk, the statement sets out at paragraph 8
 18 onwards that support from social media applications was
 19 said to be very good in such instances?
 20 A. Yes, that's correct.
 21 Q. In fact, in one case, with the support of industry,
 22 a high-risk missing person was located in another force
 23 within two hours?
 24 A. Yes.
 25 Q. That, generally, there was evidence that relationships

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1 So they've flagged up a range of issues.
 2 Q. When that is brought to your attention, what do you do,
 3 if anything, in terms of actually taking that back to
 4 the platforms, the companies, and saying, "Look, this
 5 isn't good enough. We've found this problem or that
 6 problem"?
 7 A. Well, as you have heard from Mr Jones today, there is
 8 a significant engagement between the
 9 National Crime Agency and these different platforms.
 10 I've been engaged in at least one of those round table
 11 meetings where we talk about the challenges. There are
 12 then other forums where, again, these concerns can be
 13 raised. My staff officer was very recently at a round
 14 table meeting involving representatives of the gaming
 15 industry. So there is a dialogue. I very recently met
 16 with a senior official from Facebook around concerns and
 17 challenges in terms of how Facebook interface with the
 18 police service.
 19 So there is an ongoing dialogue, but what I would
 20 say is that the NCA, from our perspective, quite
 21 rightly, has a lead role within this, and -- and
 22 actually having that -- that singular voice, and that
 23 primary point of contact, allows law enforcement across
 24 the UK to have a joined-up, well-thought-through and
 25 consolidated approach rather than different forces

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1 **having different conversations with different people**
 2 **within different organisations, which I think would be**
 3 **unhelpful.**
 4 Q. Can I ask you, please, about one of the examples you
 5 provided behind divider B2, known as Operation A.
 6 **A. Yes.**
 7 Q. This was a case that involved an investigation into the
 8 murder of a young girl. During the early stages of the
 9 investigation, a suspect was identified, and the
 10 investigating force requested data from a social media
 11 platform?
 12 **A. That's correct.**
 13 Q. The platform, according to the example, did not respond
 14 to requests for information.
 15 Shortly after that, there was media attention which
 16 was largely negative against the platform.
 17 Thereafter, the example says, the platform contacted
 18 the investigating force to offer assistance, and indeed
 19 the media reported the platform had offered assistance.
 20 What do you do when you think an organisation --
 21 a social media platform in this case -- is only
 22 responding because of adverse publicity?
 23 **A. What do I do?**
 24 Q. Yes.
 25 **A. Look, the -- these -- these case examples were compiled**

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1 **doing enough to actually manage and make sure that those**
 2 **platforms are safe and images aren't uploaded and**
 3 **they're not able to proliferate in the way that we are**
 4 **currently seeing. That, for me, is the big challenge.**
 5 Q. You've enlightened upon concerns in relation to
 6 inconsistency of response. Can I ask you, please, about
 7 the example given behind tab 3 in the bundle, where
 8 there was a policing operation investigating the
 9 uploading of child abuse images, a number of requests
 10 were made to four industry service providers, and the
 11 police force recorded the dates on which the response is
 12 received and, as it sets out behind tab 3, the first
 13 provider took 23 days to respond, the second provider
 14 took 26 days to respond and the third and fourth
 15 provider took 55 days to respond from the date of
 16 request.
 17 Now, I just want to understand, as far as you're
 18 able to, in the investigation into the uploading of
 19 child abuse images, would this be what we might consider
 20 to be a grade 3 request or would this be a grade 2
 21 request; can you help with that?
 22 **A. Could I come back to you on that?**
 23 Q. Yes, let me move on to what I was going to ask.
 24 Do you have any sense whether that kind of length of
 25 time to respond is typical across industry in

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1 **and put together into a dossier of case studies which**
 2 **flagged up concerns to be brought to the attention of**
 3 **those companies.**
 4 Q. So why not name and shame here a company that is
 5 involved in the investigation of a murder, no less,
 6 where data is requested, it looks like, from the
 7 example, they only assist once an adverse publicity is
 8 shone on them, why not bring that publicly to the fore
 9 and name them?
 10 **A. Well, again, as Mr Jones eloquently put this morning,**
 11 **there is a working relationship, there are relationships**
 12 **that are -- that are valued. And -- and ultimately,**
 13 **I think it's important, whilst we don't duck the**
 14 **difficult issues and on occasions publicly talk about**
 15 **our concerns around certain platforms, it's important**
 16 **that, actually, those working relationships can be built**
 17 **upon to deliver the outcome that we would all desire,**
 18 **because I genuinely think that these companies don't**
 19 **want this material on their systems, they don't want to**
 20 **facilitate child sexual abuse, but they have yet to come**
 21 **to terms with how -- how they can eradicate it.**
 22 **There could be any number of reasons for that, but**
 23 **I -- do I think there's one CEO of one of these big**
 24 **companies that wants that material to be there? I don't**
 25 **believe there is. But the question for me is, are they**

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1 a non-immediate risk to life example?
 2 **A. I think what the examples demonstrate, that there is**
 3 **real disparity in terms of the way that the companies**
 4 **respond, rather than there being a consistent approach**
 5 **to the request, in that you've got significant -- and,**
 6 **you know, the third and fourth took 55 days in**
 7 **comparison to the company that did it most quickly in**
 8 **23 days.**
 9 Q. Yes.
 10 Again, this kind of disparity, is that something
 11 that is raised by, perhaps, the NCA who are taking the
 12 lead on this in terms of law enforcement?
 13 **A. It was certainly raised as part of that dossier of cases**
 14 **whereby we, as law enforcement agencies, had some**
 15 **concerns, yes.**
 16 Q. Now, in your paragraph 22 of your statement, you say
 17 that there is no common agreed industry process for
 18 dealing with UK-wide law enforcement requests. All
 19 industry providers appear to operate differently -- and
 20 I think we heard from Google that they have a dedicated
 21 portal, the law enforcement request system, for
 22 example -- and all have differing threshold levels
 23 before they will assist law enforcement.
 24 Why is it that there is no capability of having
 25 a standardised process here?

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1 **A. Again, I mean, Mr Jones talked about that today in his**
 2 **evidence.**
 3 **I think there is something about the way that**
 4 **industry operates and cooperates with itself, there is**
 5 **a sense of protecting its own intellectual property**
 6 **rights and the way that their business model is**
 7 **structured, how technology is being used, and I have**
 8 **seen that working on other projects, that, actually, you**
 9 **would think that a lot of these providers would have**
 10 **very, very similar operating systems and similar**
 11 **approaches. Well, that, as I've learnt, is simply not**
 12 **the case.**
 13 **So I imagine that it's very much in terms of how the**
 14 **technology and how the company and how the resources in**
 15 **those organisations are structured, will have an impact**
 16 **upon the company's ability to be able to service those**
 17 **requests.**
 18 Q. A little further on in your statement, you give evidence
 19 at the moderation of where chat -- sorry, web chat
 20 forums requires improvement. You say, for instance,
 21 industry should do more to challenge paedophilic chat at
 22 the earliest opportunity by taking positive action to
 23 prevent users from creating chat forms explicitly for
 24 the purpose of discussing child sexual abuse.
 25 What is it that you, as NPCC lead, envisage the

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1 **somebody tried to establish a business on the High**
 2 **Street, and one of the byproducts of that business was**
 3 **that children were being sexually abused and raped, that**
 4 **business wouldn't stay in business for any time at all.**
 5 **The expectations and the standards of life that take**
 6 **place in the offline space should be applicable to the**
 7 **online space, and it simply cannot be a case that you**
 8 **create a forum, a chat room -- however you like to**
 9 **describe it -- and then simply leave that to be -- to be**
 10 **abused, in a way that it could never, ever happen if it**
 11 **was a business that was set up, and it had a shop front.**
 12 Q. May I ask you about one other example that you provided
 13 behind your tab 5, Chief Constable.
 14 This was an operation involving a police
 15 investigation into the grooming and blackmail of a young
 16 girl using a social media platform. In fact, the
 17 perpetrator managed to groom the girl such that she was
 18 blackmailed into performing a sexual act on someone
 19 else. That was videoed and the video recording was then
 20 circulated to a number of individuals which resulted in
 21 more widespread distribution.
 22 As I understand the example given here, the matter
 23 was reported to the police, and steps were taken by the
 24 police force to request social media platforms
 25 immediately remove the video.

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1 industry should be doing in relation to online chat
 2 forums?
 3 **A. Well, I would expect that, you know, as a parent, with**
 4 **a 13- or 14-year old boy or girl going into a chat room,**
 5 **should be able to expect their child to be able to go**
 6 **into a chat room with a degree of safety and not be at**
 7 **risk of being groomed by an adult who is exploiting**
 8 **an opportunity.**
 9 **So my expectation would be that when companies are**
 10 **creating these facilities, they are able to moderate and**
 11 **monitor what is taking place within those chat rooms,**
 12 **pick up conversations where a child is obviously being**
 13 **groomed and then moderate that accordingly, as Mr Jones**
 14 **talked about this morning, with one of the companies**
 15 **that were able to actually do that, and the warning**
 16 **signs go out and interventions are put in place.**
 17 **I strongly believe that, as a company, you simply**
 18 **cannot create a facility, a chat room, and then simply**
 19 **just turn around and say, "Right, there it is. Just go**
 20 **and use it". There has to be some form of**
 21 **accountability in the way the facility, the environment**
 22 **that they are providing, is then used.**
 23 Q. Does it come to this, Mr Bailey: if technology created
 24 the problem, then technology needs to solve it?
 25 **A. Absolutely, and again, I have said very publicly that if**

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1 On the second day after that first request, the same
 2 request was made by the Regional Organised Crime Unit?
 3 **A. Yes.**
 4 Q. By day three, there were cloned social media accounts
 5 distributing the video, and search engines were able to
 6 readily suggest and return results which enabled access
 7 to that video, I think just by putting in the victim's
 8 name.
 9 On day four, a charity intervened on behalf of the
 10 force and several social media platforms then began to
 11 identify the video and remove it.
 12 I think there was a delay in relation to one other
 13 social media platform that was asked to take those
 14 steps.
 15 But can you help us with this, why did it take the
 16 intervention of a charity to enable the police to help
 17 have the video taken down?
 18 **A. I -- I don't understand why, going through a local**
 19 **police force and their dedicated points of contact, then**
 20 **through a Regional Organised Crime Unit, that ultimately**
 21 **then ends up with the charity then being responsible --**
 22 **genuinely, I do not understand why that should -- why**
 23 **that should be the case.**
 24 **Quite clearly, there was a relationship between --**
 25 **a positive relationship between the charity and the**

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1 company where the material was being distributed from.
 2 But, actually, that is an example of -- I think of --
 3 which highlights really well the challenges that we
 4 face, that something so awful and so damaging for that
 5 child and that family should be allowed to be available
 6 for so long.

7 Q. It may be an isolated example, it may not, but is there
 8 any sense that there is actually, in fact, although,
 9 spoken publicly, a good working relationship between law
 10 enforcement and industry, in fact, on the ground, you
 11 are facing something different?

12 A. No, I think there are good working relationships and
 13 when you look at the cases where there are threats to
 14 life, there is evidence from forces that are having, and
 15 continue to have, positive experiences, but there are
 16 always going to be cases that I'm not sure what the
 17 company's view on this would be, whether or not they
 18 feel now that they actually didn't handle it very well.
 19 There are cases that, as a police service, we haven't
 20 got right. So I'm not in a glass house, I'm not going
 21 to start throwing stones. I think we have to be really
 22 careful in terms of identifying singular cases where
 23 actually there are problems.

24 There is a good working relationship, but as I've
 25 provided in my evidence, there is frustration and

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1 this moment in time, the NPCC submission is not
 2 complete -- and I am sure that there will be other
 3 chiefs and other police forces that will submit their
 4 observations, I think the legislation absolutely needs
 5 to be extra-territorial, I think there are some real
 6 challenges around that, because we know so many of these
 7 companies are based outside of our territory. I think
 8 a liability for executives is absolutely right. I think
 9 there absolutely has to be a duty of care, and there's
 10 a need for internet service providers to have the
 11 ability to block the providers and platforms that are
 12 not compliant.

13 Now, you could then get into the roles of the
 14 regulator, and I think a regulator is going to be
 15 necessary. The regulator is going to have to be given
 16 the powers to issue certain sanction, for it to be
 17 meaningful in any way at all, and I think the regulator
 18 has got to be given the time and space to understand
 19 what that code of conduct looks like, what the punitive
 20 powers will be, and in such way that we are confident
 21 that, actually, it is going to be meaningful, because
 22 I have seen this whole process evolve from the Green
 23 Paper, flagging up real concerns I had around, actually,
 24 the Green Paper was fundamentally missing the point.
 25 I had those conversations with officials from both

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1 concern whereby, in non-life threatening cases, the
 2 response is not as great. I would argue in a case like
 3 this there actually -- this should be treated as
 4 an urgent matter, because the damage that this would do
 5 to that -- to those children and that family is just
 6 horrific.

7 I would have to understand exactly what went wrong
 8 to understand, was that a breakdown of relationships or
 9 was it simply a miscommunication, to be able to provide
 10 greater confidence around this particular example.

11 Q. Can we turn, please, to the response of the
 12 UK Government in this area, and ask you, please, for the
 13 NPCC's views on the government Online Harms White Paper.

14 The chair and panel are aware, of course, the
 15 consultation is ongoing, I think, until 1 July, but in
 16 a nutshell, it proposes a regulatory framework with
 17 codes of practice for tackling online CSEA. Indeed,
 18 perhaps, if there are breaches of the codes of practice,
 19 fines being meted out to either the company themselves
 20 or, indeed, senior members of the corporate structure.

21 Are you able to give us an indication of what the
 22 NPCC's general view is about that Online Harms White
 23 Paper?

24 A. We are still in consultation and, as you have said, if
 25 I could give my personal view -- because, obviously, at

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1 the Department for Culture, Media and Sport and the
 2 Home Office.

3 I think those concerns have been addressed within
 4 the development of the Online Harms White Paper, which
 5 is really good news.

6 But, actually, the White Paper will only deliver
 7 something meaningful if the powers are given to
 8 a regulator, whereby the companies recognise that
 9 actually they have now got to do something over and
 10 above what they are currently doing.

11 Q. Does it come to this: that you don't think, without the
 12 proposals in the White Paper, they won't do, they won't
 13 go over and above what they should be doing?

14 A. Unfortunately, and I -- it's taken me a number of years
 15 to get to this point, so conversations with industry,
 16 making the point consistently in terms of the scale of
 17 the threat, our concerns, the scale of our response,
 18 industry hasn't come to the table that I -- in a way
 19 that I would have hoped for, in terms of delivering
 20 a really meaningful response, in terms of making their
 21 platforms, their software, their applications, hostile
 22 environments for would-be predatory paedophiles and
 23 people that are going to view indecent imagery.

24 So I've given it what I think is as much as we can
 25 in terms of a voluntary code of conduct, but that hasn't

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1 **materialised in the way that I hoped it would have done**
 2 **and, actually, I think we now are going to have to go to**
 3 **legislation.**
 4 Q. Do you think, then, that the companies are, in effect,
 5 paying lip service to their commitment and desire to
 6 eradicate this and they're saying one thing publicly in
 7 forums such as the inquiry, and yet, actually, if you
 8 think they're not actually doing that which they should,
 9 they are trying to present a more favourable image than
 10 really what is going on behind the scenes?
 11 **A. Well, I think the -- the evidence of the scale of the**
 12 **threat that we've heard about today from myself and**
 13 **Mr Jones, I think those statistics speak incredibly**
 14 **powerfully of what is actually taking place, and it says**
 15 **to me that nowhere near enough is being done to tackle**
 16 **the threat.**
 17 Q. Which brings me on to my final topic, please, Chief
 18 Constable, and a recent Press Association article that
 19 appeared in various papers over the weekend of 10 May.
 20 It's behind your tab 6, and may we call up on screen,
 21 please, INQ004303?
 22 The press release embargoed until the Saturday
 23 before this inquiry started and, in that press article,
 24 did you urge a public boycott of social media companies,
 25 because you thought that was going to be what was

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1 **that we have done, have not had the public impact in**
 2 **terms of outrage at what has actually taken place.**
 3 **I would like to think that we have raised the profile to**
 4 **the point where parents are far more aware of the risks**
 5 **and now educate their children and have those difficult**
 6 **conversations, and that PSHE in schools is now coming**
 7 **over the hill.**
 8 **So we have done -- I do think this is we -- we have**
 9 **done our best to raise the profile, to try and do our**
 10 **level best to protect children.**
 11 **But the numbers, as we have talked about, just**
 12 **continue to grow and grow. And within the article, I've**
 13 **talked about the fact that, actually, the only way that**
 14 **I think these companies are now going to respond is if**
 15 **they see their brand being damaged. And I've**
 16 **witnessed -- we have all witnessed -- the response from**
 17 **a company to the Cambridge Analytica incident, and**
 18 **I spoke to the journalist and talked in this**
 19 **article around very much that point, that, actually,**
 20 **everybody needs to be aware about the risks. That,**
 21 **actually, if we are going to do anything about this and**
 22 **these companies are actually going to change their ways,**
 23 **then their own brand potentially would need to be**
 24 **affected.**
 25 Q. Well, I think the press release says, "Ultimately" -- it

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1 necessary before they take the initiative to protect
 2 children from abuse?
 3 **A. I did, yes.**
 4 Q. Why have you gone so far as to say there should be
 5 boycotting of social media companies?
 6 **A. Could I just say that the interview with the associated**
 7 **press was done, I think, almost a month before the**
 8 **article was -- I wouldn't want the panel thinking that**
 9 **I had been opportunistic in doing an interview on the**
 10 **Friday that then -- so I just wanted to be very clear in**
 11 **that.**
 12 Q. Understood.
 13 **A. I think my answer to your last -- or, sorry, to your**
 14 **penultimate question encapsulates very much what I would**
 15 **now say, in terms of over the last five and a half years**
 16 **working hand in glove in, I think, a really powerful**
 17 **partnership and relationship with the**
 18 **National Crime Agency, and through successive directors**
 19 **of CEOP, we, collectively, have done our level best to**
 20 **protect children. And whilst I'm proud of hundreds and**
 21 **thousands of children that have been protected as**
 22 **a result of our endeavours, the fact is, the situation,**
 23 **from my perspective, is just getting worse, and the --**
 24 **the statements that directors of CEOP have made, and**
 25 **that I have made, on numerous occasions, the interviews**

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1 quotes you as saying:
 2 "Ultimately, I think the only thing they will
 3 genuinely respond to is when their brand is damaged".
 4 I just wonder how that fits in with the evidence,
 5 indeed, both of you and the director that we heard from
 6 this morning about the thus far discretionary approach
 7 that you have brought to bear when not naming and
 8 shaming companies. Do you think there is time for
 9 a change, potentially, in that policy that has been
 10 adopted thus far?
 11 **A. Well, I think we need to pursue twin track approaches.**
 12 **I think the ongoing day-to-day working relationships are**
 13 **important, and we've heard about the positive effect**
 14 **that has.**
 15 **We've talked about engagement, but we've also then**
 16 **talked about the fact that actually not enough is being**
 17 **done.**
 18 **I think our politicians, in the development of the**
 19 **Green Paper almost two years ago now, I believe it was,**
 20 **now to a far more robust White Paper, is perhaps the**
 21 **best evidence that actually we have collectively made**
 22 **the point and landed the point that regulation is now**
 23 **necessary because a voluntary response is not there.**
 24 **Now, there is still time to go -- and my fear is**
 25 **that every day that goes by children are at risk -- and**

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1 **I still feel I have a duty to flag that up and to make**
 2 **the point that actually those challenges exist, the**
 3 **White Paper potentially is going to be a powerful tool**
 4 **to mitigate a lot of those risks. But, actually, it's**
 5 **a sad day that the safeguarding of children and stopping**
 6 **the sexual abuse of children has come down to the fact**
 7 **that these companies cannot do it for themselves and**
 8 **legislation has to be put in place.**
 9 Q. The release, you were saying that you believe sanctions
 10 such as fines will be "little more than a drop in the
 11 ocean" to big online platforms.
 12 Clearly that is a proposal in the White Paper.
 13 A. Yes.
 14 Q. Why is it that has led you nonetheless to opine that you
 15 think that the fines won't be enough?
 16 A. Well, for some it won't be, for some it clearly will be,
 17 but actually, you know, if there is liability then those
 18 companies should have to pay, but for some of these
 19 companies, who are worth billions, then actually a fine
 20 is a drop in the ocean.
 21 Q. Given the numbers of children in the UK, never mind
 22 worldwide, that have Facebook accounts, YouTube
 23 accounts, are on Xbox Live, Skype, all sorts of
 24 different forum in which they now interact perfectly
 25 lawfully, how realistic is it for you to suggest there

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1 'world-beating' involves building resilience in children
 2 as young as primary school so they are better equipped."
 3 A. Yes.
 4 Q. Is there not a disconnect between some of the evidence
 5 you have given this afternoon about how you perceive the
 6 response, and certainly the quotation here that you
 7 consider the UK response to be "world-beating"?
 8 A. No, I don't think so at all.
 9 Q. Why not?
 10 A. Because the fact is that we are doing more to target
 11 offenders than any other law enforcement jurisdiction
 12 powers in the world. I can say that from a position of
 13 great confidence. That there has been a persistent and
 14 robust response which just continues month after month
 15 after month after month, and has now been going on,
 16 forgive me, for maybe four years now. I'm not aware of
 17 anybody doing what we are doing in this country, in such
 18 a joined-up, coherent way across different agencies,
 19 doing our best to protect children.
 20 That there is a real caveat to this, and it's tinged
 21 with a sense of, well, that's okay, but it's not enough.
 22 That's why I talk about that, that whole system, that
 23 holistic response, which has got to be around building
 24 resilience in people, it's got to be around the tech
 25 companies living up to their social and moral

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1 should be some kind of social media boycott? It's not
 2 just realistic given the numbers that are the involved,
 3 is it?
 4 A. Well, it might not be the children that do it, but it
 5 might be the caring parent, or the adult, that takes the
 6 view, do you know what, you are putting children at
 7 risk, you are permitting this to happen.
 8 When you have listened, and heard, and seen, what is
 9 happening in these spaces, then I'm not going to sit
 10 idly by while it just goes on. It is very difficult to
 11 get across a message just in terms of what is happening,
 12 and I have gone to great lengths to talk about scale of
 13 the problem, and to try and get that message across, and
 14 I have to say it's been with limited success. That
 15 actually, trying to expose the scale of the threat, has
 16 not landed in the way that I hoped it would have done.
 17 But actually that now talking about it and continuing
 18 that dialogue, and doing it in such a way that actually
 19 the companies start to be shamed into doing something,
 20 I will continue to do to the best of my ability.
 21 Q. The final question in relation to this article. On
 22 page 2 of the article, if we can just call it up,
 23 please, you actually go as far as, or as quoted as
 24 saying:
 25 "The UK response which Mr Bailey called

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1 responsibility. It's around the courts managing the
 2 demand that's being poured into. The effective
 3 management of offenders within the community, how we go
 4 about rehabilitating would-be offenders and doing our
 5 best to protect those people who are some of the most
 6 vulnerable in our communities.
 7 MS CAREY: Chief Constable, that's all the questions that
 8 I'd like to ask.
 9 Questions by THE PANEL
 10 MS CAREY: May I turn to the chair and panel. Chair, are
 11 there any questions?
 12 THE CHAIR: Yes, Ms Sharpling.
 13 MS SHARPLING: Thank you, Mr Bailey, just a couple of
 14 questions.
 15 You mentioned the challenge of paying via your
 16 credit card or bank card to view live streamed abuse.
 17 Are finance companies involved in playing a part in
 18 prevention of child sexual abuse?
 19 A. I believe those conversations are taking place, yes.
 20 Forgive me, I'll come back to you, but I'm not sure just
 21 how advanced they are in being able to identify
 22 perpetrators, but I believe those conversations are
 23 taking place, yes.
 24 MS SHARPLING: I see.
 25 The other question, not related to that, I was

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1 wondering about the distribution of the 400/450 arrests
 2 per month, whether they are distributed across the 43
 3 police forces in the way, perhaps, I might expect, with
 4 the big urban conurbations having more than rural areas.
 5 But would may be an assumption on my part, so I
 6 wondered -- I don't suppose you have them with you now,
 7 but if they can be forwarded to the inquiry, if they are
 8 in your possession.

9 **A. Of course I can and, ma'am, every quarter I chair the**
 10 **National Pursue Board, we scrutinise the management**
 11 **information and data so we can see how every force is**
 12 **responding to the opportunities it has to target those**
 13 **offenders. I can say with a degree of confidence that**
 14 **actually there is a response across all 43 forces.**
 15 **You're right, the urban conurbations have by far the**
 16 **greatest number of opportunities that are afforded to**
 17 **us, but actually the whole of the service has met and is**
 18 **exploiting the opportunities that are afforded to us to**
 19 **target those offenders, and it makes up for**
 20 **a significant quantum of the 400 to 450 every month that**
 21 **are being arrested.**

22 MS SHARPLING: Thank you very much.
 23 THE CHAIR: Mr Frank.
 24 MR FRANK: Two questions.
 25 Firstly, in relation to the world-beating record in

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1 THE CHAIR: Thank you, we have no further questions. Thank
 2 you, Mr Bailey.

3 MS CAREY: Chair, may I just say this, the pursue data that
 4 the Chief Constable spoke about was data that we
 5 obtained in the January 2018 hearings, and in advance of
 6 the report the inquiry will be obtaining the most up to
 7 date data so that it can be published and viewed
 8 alongside what was the position in 2018.

9 Thank you, Mr Bailey.

10 May I hand over now, please, to Mr Krishnan who is
 11 going to read a short statement before we conclude
 12 proceedings for today.

13 Statement of COMMANDER RICHARD SMITH (read)

14 MR KRISHNAN: Chair, I will be reading extracts from the
 15 witness statement of Commander Richard Smith of the
 16 Metropolitan Police Service, the MPS. The statement is
 17 dated 11 March 2019, and it's behind tab 3 of your
 18 bundle.

19 Commander Smith is the MPS NPCC professional lead
 20 for child safeguarding.

21 At at paragraph 2 he says:
 22 "The MPS is one of 43 territorial police forces in
 23 England and Wales. However, it is by far the largest of
 24 those forces, with approximately 25% of police officers
 25 in England and Wales. Due to the scale of the force,

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1 the UK, would you cite as an example of that the fact
 2 that there are very few hosters, actually, active within
 3 the UK?

4 **A. I think there's a element of that, yes, Mr Frank. Yes,**
 5 **I do.**

6 MR FRANK: The second thing is this. Clearly there's
 7 a question of carrot and stick when it comes to getting
 8 industry involved. We want to praise those who do well,
 9 and perhaps, as you've indicated, take a different view
 10 of those who are either desultory or doing nothing at
 11 all. I suspect there are few that are doing nothing,
 12 but many that are not doing as much as they could.

13 We've seen one example of how the naming and
 14 shaming -- the director told us about this earlier --
 15 led to a completely different change of approach, and
 16 that was in relation to what was then Yellow is now
 17 Yubo.

18 **A. Yes.**

19 MR FRANK: I want to ask you if you can comment on any
 20 response to your public criticism of Facebook, in
 21 particular WhatsApp. Do you know whether they have
 22 responded actively or at all? And, if so, how they've
 23 done so?

24 **A. I'm not aware of them responding actively, no.**

25 MR FRANK: That's very helpful to know, thank you very much.

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1 the MPS is in a unique position to comment on the issue
 2 of online child sexual abuse and exploitation."

3 At paragraphs 8 to 12 under the heading of "Design
 4 of Systems and Platforms", he says:
 5 "The industry needs to design its platforms and
 6 systems to remove and reduce opportunities for offending
 7 behaviour. The MPS feels that the industry has not been
 8 sufficiently proactive in developing their ability to
 9 prevent offending and to ensure that users are
 10 consistently safe.

11 "For example, in cases of online grooming it is the
 12 MPS' experience that there are often identifiable
 13 patterns of behaviour that occur regularly in relation
 14 to online grooming activity. Algorithms should be
 15 created to spot patterns that are common in such
 16 grooming behaviour. It is also possible to add security
 17 through dual verification and biometrics to ensure the
 18 person setting up the account is who they say they are.

19 "The MPS has engaged with industry to seek progress
 20 in this area."

21 Commander Smith gives some examples of that.

22 At paragraph 11 he says:
 23 "Although the MPS has proactively engaged with
 24 government and with industry with a view to developing
 25 technology to prevent and pursue online offending, this

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<p>1 is a piecemeal approach. The MPS is but one of 43 2 police forces in England and Wales. The NCA and NPCC 3 are also engaging with industry in a similar way. What 4 is required is an overarching, holistic approach 5 involving government, the industry and law enforcement 6 in order to develop the necessary governance structure 7 and technological tools to prevent and pursue OCSAE 8 offending. 9 "More work is required to ensure that police and 10 social media companies are identifying those offenders 11 who present the highest risk of contact offending via 12 grooming on the internet. Some observers suggest that 13 the prevalence of online CSA activity groups who pose as 14 children to identify adult offenders reflects 15 a perception that not enough is being done to address 16 it." 17 Under the heading "Preventing IIOC/CSAM reaching its 18 destination", Commander Smith says at paragraph 13: 19 "A second area where the industry needs to act is to 20 prevent indecent images of children and child sexual 21 abuse material reaching its intended destination. This 22 again requires that the development of suitable 23 algorithms to detect such material. 24 "Even where algorithms prevent IIOC/CSAM reaching 25 their intended destination, the internet industry still</p> <p style="text-align: center;">Page 161</p>	<p>1 needs to report such material to law enforcement 2 agencies. However, the prevention of such distribution 3 would quickly reduce the sharing of such material, 4 permitting law enforcement agencies to focus resources 5 on pursuing the threat that remains." 6 Under the heading "Collaboration to develop 7 safeguarding standards and technology", at paragraph 15 8 Commander Smith says: 9 "We recognise that the internet industry is hugely 10 diverse, ranging from huge global corporations to small 11 start-up business, and that the relative capabilities of 12 different companies and organisations vary hugely. 13 "The MPS would welcome a collaborative framework 14 within which the larger companies are required to 15 collaborate to develop a set of safeguarding standards 16 and technology that can be shared as an off the shelf 17 solution with smaller companies within the industry so 18 as to create an environment which keeps children and 19 other vulnerable people consistently safe. The MPS 20 believes that these standards and technology need to be 21 developed within a regularly framework which requires 22 industry to create a consistently safe environment." 23 Under the heading "Improving access to systems and 24 data where a threshold for doing so has been reached", 25 at paragraph 17 Commander Smith says:</p> <p style="text-align: center;">Page 162</p>
<p>1 "While there are many examples of cases in which 2 internet companies provide data which enables the MPS to 3 apprehend offenders, at present law enforcement agencies 4 are often frustrated in their attempts to access systems 5 or data where there is evidence of offending behaviour. 6 There are many reasons why access to systems and data 7 can be difficult. The online world operates across 8 international boundaries and across law enforcement 9 jurisdictions. While there are multilateral treaties, 10 these are often bureaucratic, ineffective and do not 11 always permit access to the information that is needed. 12 "An example of a case which highlights the issues 13 faced by law enforcement agencies was one in which the 14 MPS became aware of indecent live streaming where the 15 victims were girls aged 6 and 9 who were being groomed 16 to commit indecent acts. A number of offenders were 17 watching and contributing to the grooming. Requests 18 were sent to the service provider to remove the 19 streaming and to provide information which would 20 identify the offenders. Although the service provider 21 removed the content and closed the accounts, it refused 22 to provide any information regarding the offenders. 23 While those offenders could no longer use the platform 24 with their previous accounts, there was nothing to stop 25 them creating new accounts and to continue their</p> <p style="text-align: center;">Page 163</p>	<p>1 previous offending. Without the police having access to 2 data which might lead to the identification of 3 offenders, we are unable to safeguard the children to 4 whom offenders may have access. 5 "As a second example, some communications are 6 end-to-end encrypted so that only the sender and 7 recipient are able to read the contents of a message. 8 Even when the law enforcement agencies become aware that 9 offending behaviour such as grooming is taking place, 10 the provider may be unable to determined the nature of 11 content being hosted on their platform. 12 "By way of a third example, mobile phone 13 manufacturers often do not co-operate with law 14 enforcement agencies which need to bypass security to 15 access devices even when supported by the highest level 16 of warrant. 17 "Even in cases where companies can provide access to 18 systems and data, the default position of many 19 companies, both in the UK and overseas, is that they 20 will require a court order before they will provide this 21 information. It is the NCA (CEOP) which acts as the 22 conduit between the police and social media companies. 23 In view of the volume of cases that are being dealt 24 with, this can cause considerable delay and whilst the 25 most serious cases are prioritised for action, many</p> <p style="text-align: center;">Page 164</p>

1 others cannot be progressed in a timely fashion. Police
 2 and social media companies must seek to work within
 3 legal frameworks operate much more efficiently than they
 4 presently do.
 5 "The MPS is conscious that these questions raise
 6 significant Article 8 privacy issues. However, where
 7 there is clear evidence of offending it is vital that
 8 the industry provides the necessary access to systems
 9 and data to law enforcement agencies. This necessitates
 10 the design of technology which allows access to those
 11 systems and data where a clear threshold is passed. It
 12 also requires the industry to be willing to respond
 13 swiftly to the requests of law enforcement agencies
 14 where there is clear evidence of offending.
 15 "If industry does not provide access to systems and
 16 data voluntarily in appropriate cases, consideration
 17 needs to be given to a comprehensive regulatory
 18 framework to govern the appropriate provision of such
 19 information."
 20 At paragraph 26:
 21 "However, there is no comprehensive regulatory
 22 framework governing the internet industry. While law
 23 enforcement agencies are important stakeholders in the
 24 process of developing a regulatory framework, such
 25 a process requires commitment from central government

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1 and liaison with the industry. The MPS recognises that
 2 the development of a regulatory framework would entail
 3 complex issues and will require international
 4 collaboration between regulators and industry. However,
 5 the experience of the MPS is that without regulation,
 6 law enforcement agencies are frequently frustrated in
 7 their attempts to prevent or pursue OCSAE. Without
 8 regulation it is unlikely that the growing number of
 9 companies providing internet services and platforms
 10 would provide any degree of consistency in relation to
 11 the degree of safety afforded to vulnerable users; to
 12 providing a hostile environment to prevent offenders
 13 causing harm; or to providing effective support to law
 14 enforcement agencies."
 15 Thank you, chair.
 16 THE CHAIR: Thank you.
 17 That concludes today's hearing.
 18 (4.00 pm)
 19 (The hearing adjourned until
 20 Tuesday, 21 May 2019 at 10.30 am)
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