

<p>1 Tuesday, 23 January 2018</p> <p>2 (2.15 pm)</p> <p>3 MS CAREY: Chair, the first witness this afternoon is</p> <p>4 Mr Jim Gamble. May he be sworn, please?</p> <p>5 MR JAMES KARL RIED GAMBLE (sworn)</p> <p>6 Examination by MS CAREY</p> <p>7 MS CAREY: Mr Gamble, your full name, please.</p> <p>8 <b>A. James Karl Ried Gamble.</b></p> <p>9 Q. You have prepared and provided the inquiry with</p> <p>10 a statement which, chair, you will find in file 1 behind</p> <p>11 tab C, divider 1. Mr Gamble, do you have a copy of that</p> <p>12 statement in front of you?</p> <p>13 <b>A. I do.</b></p> <p>14 Q. Mr Gamble, a little bit of background, please. I think</p> <p>15 you are now the CE of the Ineqe Group. I would like to</p> <p>16 ask you, please, what your role currently entails?</p> <p>17 <b>A. I'm chief executive of the Ineqe Group of specialist</b></p> <p>18 <b>safeguarding companies. What we do is develop</b></p> <p>19 <b>contemporary, credible and relevant and immersive</b></p> <p>20 <b>training for safeguarding professionals and we do that</b></p> <p>21 <b>by placing safeguarding in the context of young people's</b></p> <p>22 <b>lives and their access to, and use of, technology. In</b></p> <p>23 <b>doing so, we build mobile phone apps for schools, and</b></p> <p>24 <b>this year an initiative will see a million apps in</b></p> <p>25 <b>children's pockets, their parents' pockets and the</b></p> <p style="text-align: center;">Page 1</p>	<p>1 Q. In that role as assistant chief constable, I think you</p> <p>2 were responsible for combating serious and organised</p> <p>3 transnational crime?</p> <p>4 <b>A. That is correct.</b></p> <p>5 Q. At that stage, was your work focused on what we have</p> <p>6 come to know as, or call, online child sexual abuse?</p> <p>7 <b>A. Not directly in the early stages, but that came to pass</b></p> <p>8 <b>in that we housed the paedophile online investigation</b></p> <p>9 <b>team ultimately. And that had been involved in a very</b></p> <p>10 <b>early operation called Wonderland.</b></p> <p>11 Q. In 2002, were you tasked with carrying out a review of</p> <p>12 what was then considered to be a highly complex and</p> <p>13 unusual investigation, and which it may be known to the</p> <p>14 public more commonly as Operation Ore?</p> <p>15 <b>A. Yes, in or about that time, I was.</b></p> <p>16 Q. That led to you being appointed to oversee</p> <p>17 United Kingdom coordination in this area of policing in</p> <p>18 relation to online-facilitated child sexual abuse?</p> <p>19 <b>A. Yes. I carried out a review and made recommendations to</b></p> <p>20 <b>government. One of the recommendations was that there</b></p> <p>21 <b>should be a specialist centre to deal with this because</b></p> <p>22 <b>I didn't think the police service or the</b></p> <p>23 <b>National Crime Squad, as was, was equipped to deal with</b></p> <p>24 <b>that. But within three days of the submission of</b></p> <p>25 <b>the report, I was in fact appointed as the UK</b></p> <p style="text-align: center;">Page 3</p>
<p>1 <b>pockets of their teachers and also for safeguarding</b></p> <p>2 <b>boards. We built, for example, the child trafficking</b></p> <p>3 <b>app for the 2012 Olympics.</b></p> <p>4 Q. I think you are in fact the independent chair of</p> <p>5 the Safeguarding Board for the City of London and the</p> <p>6 London Borough of Hackney and the London Borough of</p> <p>7 Bromley?</p> <p>8 <b>A. I am.</b></p> <p>9 Q. A little bit about your background, though. I think you</p> <p>10 joined the Royal Ulster Constabulary back in, I think,</p> <p>11 1997, and then followed it through as it became part of</p> <p>12 the Police Service of Northern Ireland?</p> <p>13 <b>A. I wish it was 1997 --</b></p> <p>14 Q. Sorry --</p> <p>15 <b>A. -- I actually joined in 1982.</b></p> <p>16 Q. Thank you. Forgive me. You served throughout your time</p> <p>17 as a policeman in Northern Ireland, making your way up</p> <p>18 to being appointed to Special Branch, including</p> <p>19 responsibility for counter-terrorism?</p> <p>20 <b>A. Yes, I rose to the ranks and became the head of</b></p> <p>21 <b>Special Branch in Belfast.</b></p> <p>22 Q. You were appointed an assistant chief constable in the</p> <p>23 National Crime Squad based in London. Which year was</p> <p>24 that in, please?</p> <p>25 <b>A. That was in or about 2001.</b></p> <p style="text-align: center;">Page 2</p>	<p>1 <b>coordinator to oversee the delivery of Operation Ore.</b></p> <p>2 Q. For those who are perhaps not familiar with</p> <p>3 Operation Ore, did that essentially involve an</p> <p>4 investigation being carried out in the United States of</p> <p>5 America into a couple who had hosted a website which</p> <p>6 added images of children being sexually abused to it?</p> <p>7 <b>A. Yes. Mr and Mrs Reedy.</b></p> <p>8 Q. In due course, was data sent to London by the</p> <p>9 United States authorities relating to over 7,000</p> <p>10 UK-based IP addresses suspected to have accessed those</p> <p>11 child abuse images on the Reedy's site?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Following Operation Ore, can I turn you, please, to</p> <p>14 paragraph 13 of your statement. I would like to ask</p> <p>15 you, please, about the lessons that were learnt in</p> <p>16 Operation Ore. Clearly, mention has just been made of</p> <p>17 the fact that there were over potentially 7,000 UK IP</p> <p>18 addresses that were suspected of being involved in</p> <p>19 viewing online indecent imagery. What was the main</p> <p>20 lesson learned out of that operation?</p> <p>21 <b>A. The main lesson I think was to move to a much more</b></p> <p>22 <b>child-centric position. With Operation Ore, we made the</b></p> <p>23 <b>mistake in the early days of simply looking at it as</b></p> <p>24 <b>data and a lot of complex data. The police had never</b></p> <p>25 <b>been engaged with 7,175, I think, individual suspects in</b></p> <p style="text-align: center;">Page 4</p>

1 the UK. So categorising and prioritising, that was  
 2 a key lesson for us. Clearly, we looked at those with  
 3 a previous criminal record, but beyond that, it was  
 4 about how we understood those who have frequent and  
 5 routine access to children -- so parents and carers --  
 6 and actually those whose jobs involved intimate access  
 7 to children. So in those very early days, we adopted  
 8 a triage, a risk assessment, system through the  
 9 recommendations in my report to look at the offenders'  
 10 proximity to and access to children in circumstances  
 11 where they could exploit them.

12 The other lessons around that were really to do with  
 13 how you could disseminate it effectively, how you could  
 14 engage predators who, once you began to go out and carry  
 15 out arrests, they were of course disposing of hard  
 16 drives and others, and also some of the lessons were  
 17 about when you are engaging in this highly emotive area  
 18 of policing -- and I have said previously that we made  
 19 mistakes, the police communications staff that we had at  
 20 the time always said to me to never say that, say you've  
 21 learned lessons. But we made mistakes and we learned  
 22 lessons from it. Some of that was about how we engage  
 23 suspects, because people are innocent until proven  
 24 guilty. So some of the lessons were about police cars  
 25 rolling up at half 7 in the morning, when we had waited

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1 six or seven months to go and carry out the search, when  
 2 we could have waited an extra hour and a half until the  
 3 children had gone to school, because mistakes can be  
 4 made.

5 Also, because of a lack of understanding about the  
 6 risk that those who view indecent images represented,  
 7 some of the lessons were that some police forces, some  
 8 very large ones, made decisions to carry out no further  
 9 action on the basis of the volume that they had and what  
 10 they could manage. That meant that many years later  
 11 people started coming forward, you'd see in other  
 12 investigations, who ultimately could have been  
 13 interdicted earlier had we had a more sophisticated  
 14 understanding in the days of Ore.

15 That said, over 2,500 people were held to account  
 16 through the criminal justice system which I think, given  
 17 the time period this took place, it is a credit to those  
 18 officers and the staff across the UK and local police  
 19 forces who worked hard in the very early days to make  
 20 this work.

21 Q. Pausing you there, Mr Gamble, I think as a result of  
 22 your experience in Operation Ore and indeed working with  
 23 the police online investigation team, you became  
 24 appointed the ACPO lead, the Association of Chief Police  
 25 Officers' lead, for countering child abuse on the

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1 internet, and in due course, did you become a member of  
 2 the Taskforce for Child Protection On the Internet and,  
 3 by 2004, became the deputy director-general of what was  
 4 then called the National Crime Squad?

5 A. Yes.

6 Q. I would like to ask you a few questions, please, about  
 7 CEOP, the Child Exploitation Online Protection team. Is  
 8 this right, that in 2005, you were seconded to the  
 9 Home Office to lead the project that would build up to  
 10 what was to become known as CEOP?

11 A. Yes, it is.

12 Q. Back when CEOP was being first put into place and into  
 13 effect, what was the funding regime for CEOP? I'm  
 14 looking now at your paragraph 25 onwards in your  
 15 statement?

16 A. CEOP came about as part of a move or an initiative from  
 17 the then Prime Minister Tony Blair to create a Serious  
 18 Organised Crime Agency. In the move to that, it was  
 19 about how you might set up something that could deal  
 20 with this new phenomenon of risk to children on the  
 21 internet.

22 So at the very earliest stages, CEOP was put in the  
 23 vulnerable position of really having to operate with the  
 24 funding that had existed in precursor units. So the  
 25 Serious Sex Offenders Unit, the Paedophile Online

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1 Investigation Team. So it started off on a platform  
 2 that wasn't as substantially funded as I think it could  
 3 or should have been, but we were affiliated to the  
 4 Serious Organised Crime Agency in the early days so that  
 5 we could actually benefit from piggybacking on their  
 6 corporate services. So fundamentally, operationally  
 7 independent -- that's a key issue in the early CEOP,  
 8 fundamentally operationally independent -- so that we  
 9 were able to advocate by, for and on behalf of children  
 10 within the police community and beyond, but we drew down  
 11 specialist corporate support services from the then  
 12 Serious Organised Crime Agency.

13 Q. Was there also funding coming in from voluntary sectors?

14 A. There was funding coming in from voluntary sectors. In  
 15 a real sense, it was real money. So we had support  
 16 from -- probably the biggest supporter from the  
 17 beginning was Microsoft, who, in those days, still  
 18 operated Microsoft Instant Messenger, which was the  
 19 first place we were able to put a report button. But  
 20 real money by way of the licensing we could have. In  
 21 fact, in the first number of years, we were bringing in  
 22 up to and over 30 per cent of the funding that delivered  
 23 our business from them and other partners, and by the  
 24 time I resigned in 2011, we were -- if you looked at our  
 25 aggregated funding when I gave evidence to the Home

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1 **Affairs Select Committee -- and I'm sure CEOP or the**  
 2 **National Crime Agency will be able to access the**  
 3 **archives -- we had 120 staff and were subject to**  
 4 **£12.5 million worth of funding which came from**  
 5 **self-generated revenue and support from partners.**  
 6 **So it was different. When I was first appointed to**  
 7 **it, I didn't really support the concept, but I was**  
 8 **a senior police officer who had been asked to go and**  
 9 **lead a piece of work, so I went and did it. However, as**  
 10 **it began to develop, and we had a very eclectic team,**  
 11 **project team, so people from charities, people from**  
 12 **industry, the head of search from AOL and others,**  
 13 **I began to see the real value in having a team that was**  
 14 **fundamentally multi-agency and actually mixed-economy**  
 15 **workforce.**  
 16 Q. During its early years with CEOP, I think it put into  
 17 place an initiative called "Thinkuknow". I would like  
 18 to ask you about that, please. Why was Thinkuknow set  
 19 up?  
 20 A. Thinkuknow had initially been an idea that came from the  
 21 Home Secretary's taskforce. The Home Office had begun  
 22 to develop a Thinkuknow website and, as part of  
 23 the build for CEOP, we had been given responsibility to  
 24 take it forward. So we did what lots of people did  
 25 then. We built a website with lots of bright colours

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1 **and, as an afterthought, then brought children in to**  
 2 **look at it. They absolutely hated what we had built**  
 3 **collectively and from that we began to grow our own**  
 4 **young people's panel, which at its peak had 100 but on**  
 5 **average had 80 children between the ages actually of 11**  
 6 **and 17 as members. So that informed our thinking.**  
 7 **Thinkuknow became a flagship programme for us and**  
 8 **it's had its ups and its downs. One of the issues there**  
 9 **is investing, so that you remain contemporary, credible**  
 10 **and relevant, and I have at times looked at the website**  
 11 **and thought, where is Snapchat? Where is Kik? Of**  
 12 **course, they all come along onto that as time**  
 13 **progresses, but you need to be at the cutting edge if**  
 14 **you are going to be delivering something to support**  
 15 **children and young people who are digital natives and**  
 16 **are all about whether you are credible or not.**  
 17 Q. I think one of the things that you undertook in your  
 18 role with CEOP was to set up what has become known as  
 19 the Click CEOP button, and that was an initiative  
 20 supported by every chief constable in the UK. In  
 21 a nutshell, Mr Gamble, the Click CEOP button enables  
 22 anyone who goes onto the website to report suspected  
 23 abuse of children -- whether they are a child  
 24 themselves, a parent, teacher, someone working in child  
 25 protection or a complete stranger. In fact, is that the

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1 position?  
 2 A. Let me give you two half nutshells, and I know you want  
 3 me to be concise. The Click CEOP button as originally  
 4 designed was placed in the online environment in the  
 5 Global Virtual Taskforce website and within CEOP  
 6 websites and others. It was made as an application that  
 7 could be shared. We have -- there are examples in the  
 8 government's "Way Ahead" White Paper from 2010 that show  
 9 real success where children went online within the  
 10 environments where it was and reported. The Click CEOP  
 11 button within social media was a different initiative.  
 12 That was to try to get the social media community, the  
 13 fledgling Facebook -- bear in mind, Facebook began at or  
 14 around the same time as we did. Bebo had been the  
 15 precursor to that. So actually getting them to embed it  
 16 so that, within that environment where children  
 17 frequented or loitered, with one click they would be  
 18 able to report someone. And actually, that person would  
 19 see the Click CEOP button as a deterrent within the  
 20 environment when they were talking to children and young  
 21 people.  
 22 Q. Just pausing you there, not only would you be able to  
 23 click CEOP through the home page of the NCA's website or  
 24 the CEOP's website, as it then was, but you could  
 25 also -- the plan was to be able to report the abuse if

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1 you were on Facebook, as the example you just gave?  
 2 Again, the same mechanism, one click and in you are to  
 3 the reporting. Was that use of Click CEOP within social  
 4 media taken up by the respective providers of social  
 5 media?  
 6 A. Unfortunately, it was taken up by AOL Bebo, who of  
 7 course at that time were declining, and Facebook was  
 8 becoming the popular go-to social media environment for  
 9 children. We got involved in what was known as "the war  
 10 of the button", as it manifested itself in the press,  
 11 with Facebook over that and I visited and spoke to their  
 12 vice-president, Elliot Schrage, about this initiative  
 13 and tried to explain the concept of target hardening and  
 14 safer-by-design approaches and how you might deter  
 15 offenders. That wasn't welcomed and it wasn't engaged.  
 16 However, we compromised.  
 17 Q. What was the compromise?  
 18 A. The compromise was the then chief executive of Facebook  
 19 Europe, Joanna Shields, who is now a government  
 20 minister, Joanna embraced the idea, and credit to her  
 21 for that. We were able then to get a button that could  
 22 be downloaded by parents and put it into the  
 23 environment. The problem with that was that you were  
 24 engaging the parents who perhaps you didn't need to  
 25 engage because they were already active and engaged with

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1 **their children and young people. What we wanted was for**  
 2 **it to be there by default so that those children who**  
 3 **didn't have active parents or those children who weren't**  
 4 **sensible enough to want it there would actually be able**  
 5 **to access it.**  
 6 Q. Moving on in time, throughout 2009, is it right there  
 7 were a number of reviews of CEOP which led to  
 8 a White Paper and various responses by interested  
 9 parties? Without wishing to dwell on it to any great  
 10 extent, Mr Gamble, can I take you, please, to  
 11 paragraph 60 in your statement. What I think was the  
 12 position, come, I think, October -- certainly the autumn  
 13 of 2010. Following that review, is it the position then  
 14 that the then Home Secretary decided to essentially  
 15 merge CEOP into what was then the National Crime Squad,  
 16 was it?  
 17 **A. It was then the Serious --**  
 18 Q. SOCA?  
 19 **A. Well, it was going to become the National Crime Agency.**  
 20 **I think context is critical and key here. There have**  
 21 **been three independent reviews. The HMIC, when they had**  
 22 **looked at CEOP, described the relationship with SOCA as**  
 23 **tortured. Whilst I think SOCA did a lot of good stuff**  
 24 **for CEOP, when the pressure came on them around**  
 25 **austerity and overstaffing, they began to force us to**

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1 **take their staff. That created a critical issue when**  
 2 **you were looking at, fundamentally, child protection**  
 3 **issues and, rather than employing a social worker,**  
 4 **a teacher or someone from the broader mixed-economy**  
 5 **community, we were forced to take that.**  
 6 **I wrote to the minister responsible. I engaged with**  
 7 **others and complained about that. Provided occupational**  
 8 **health support from our staff, our independent**  
 9 **psychologist, and that led to a tortured relationship.**  
 10 **The review carried out by Stephen Boys Smith, the**  
 11 **retired senior civil servant, was fundamentally**  
 12 **independent, appointed by the Home Office, and the OGC**  
 13 **gate 5 review --**  
 14 Q. OGC?  
 15 **A. It's the Office of Cabinet Governance. The OGC gate 5**  
 16 **review -- I may have got the terminology wrong, but**  
 17 **I think it's right in my statement. They carried out**  
 18 **review. Both reviews came to the conclusion that in**  
 19 **order to consolidate the resource to build the national**  
 20 **centre that could support the work that we'd done, that**  
 21 **CEOP needed to be an arm's length agency, it needed to**  
 22 **be fundamentally independent of SOCA, because we faced**  
 23 **in two different directions.**  
 24 **That was then agreed by the then government who**  
 25 **issued a White Paper on the way forward. The**

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1 **White Paper highlighted what CEOP had done and what it**  
 2 **would continue to do. When I learned, I was in a board**  
 3 **meeting on the Wednesday with Home Office officials**  
 4 **telling me that everything was fine and we were working**  
 5 **towards the White Paper position. Then I received**  
 6 **a phone call on the weekend to say the Mail on Sunday**  
 7 **were about to release an article saying that CEOP in**  
 8 **fact was to be subsumed into the new National Crime**  
 9 **Agency. That was a very unsatisfactory position. There**  
 10 **had been no consultation prior to that. In fact, as**  
 11 **I said, everything was business as usual.**  
 12 **On the Monday, I found out that that indeed was**  
 13 **true, and then became involved within days in a meeting**  
 14 **with the then Home Secretary now Prime Minister.**  
 15 Q. I think the upshot was that in October of 2010 you  
 16 resigned from your role in CEOP. I think you said  
 17 earlier it might have been September of 2010. But  
 18 certainly the autumn of 2010 you resigned.  
 19 One of the matters you just mentioned there were  
 20 your concerns about the incorporation. I think you have  
 21 been made aware of the statement from Deputy Director  
 22 Niven on behalf of National Crime Agency-CEOP who speaks  
 23 in his statement of some advantages of that  
 24 incorporation. From your perspective, are you able to  
 25 help the panel with what might be the disadvantages of

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1 that incorporation?  
 2 **A. I think there are clear advantages for the National**  
 3 **Crime Agency as a crime-fighting force to consolidate**  
 4 **its resource and to spread it. But the fact of**  
 5 **the matter is, this wasn't an evidence-based approach.**  
 6 **This was, as described by one leading chief executive of**  
 7 **the charity, political vandalism: new government**  
 8 **painting old government initiatives in their colours.**  
 9 **That is a problem when it comes to safeguarding the**  
 10 **young and vulnerable. They shouldn't be at the whim of**  
 11 **a government initiative. It is important that that is**  
 12 **registered.**  
 13 **Basically, within the movement, there is nothing in**  
 14 **the paper that I see about what the National Crime**  
 15 **Agency-CEOP does that wasn't done then. The National**  
 16 **Center for Missing and Exploited Children, the VPM**  
 17 **was being set up by us at the time and we did expect the**  
 18 **numbers to increase exponentially. I approached the**  
 19 **Home Secretary of the day, Jacqui Smith, to get an extra**  
 20 **half a million pounds because of the backlogs that were**  
 21 **coming. They psychological assessment and support that**  
 22 **we hear about in the National Crime Agency was indeed**  
 23 **designed and delivered by Dr Noreen Tehrani in the early**  
 24 **days of what we were doing, who had worked a lot with**  
 25 **ambulance, fire brigade, special forces and indeed those**

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<p>1 dealing with this. The oversees tracker team, the</p> <p>2 in-house behavioural analysis unit where you had</p> <p>3 in-house forensic psychologists who were specialists in</p> <p>4 looking at child sex offenders -- so very specialist --</p> <p>5 who would then interview people post arrest.</p> <p>6 Now, I know that we will be told, "Well, actually,</p> <p>7 we now have done a pilot on that". That wasn't about</p> <p>8 a pilot on that. That was day-to-day work where those</p> <p>9 videos were captured and shared with other investigators</p> <p>10 so we could learn why they did what they did when they</p> <p>11 did so we could interdict that behaviour earlier.</p> <p>12 University accredited learning courses, now gone, with</p> <p>13 the University of Central Lancashire, where --</p> <p>14 Q. Can I --</p> <p>15 A. No, what I want to make the point, though, is that</p> <p>16 Childbase, we already had a national database,</p> <p>17 Childbase. The child abuse identification database,</p> <p>18 CAID, came after that and there's many improvements, but</p> <p>19 Childbase already had facial recognition. Childbase had</p> <p>20 limitations in how you could access it, but there was</p> <p>21 a stunt -- this is the problem. There was stunted</p> <p>22 growth. Whenever this came in or was announced in</p> <p>23 2010/11, progress stopped. I don't believe progress</p> <p>24 began again until about 2014.</p> <p>25 So, yes, there are lots of things that are positive</p> <p style="text-align: center;">Page 17</p>	<p>1 professionals in this field. Having spent some time</p> <p>2 training and putting into place those training</p> <p>3 programmes, do you have any views or comments to make</p> <p>4 about the efficacy of training generally in the area in</p> <p>5 relation to online CSA?</p> <p>6 A. Well, I think, if you begin from a position where you're</p> <p>7 delivering e-safety training or internet safety</p> <p>8 training, you've started from the wrong place and too</p> <p>9 much of it is actually about that. The training is</p> <p>10 about safeguarding in the context of people's real</p> <p>11 lives. Technology is integrated. One of the things</p> <p>12 about the strand and the challenge for you is going to</p> <p>13 be integrating this because, actually, if you look at</p> <p>14 CSE and you look at it across the country, what you will</p> <p>15 see is actually the presence of technology and the</p> <p>16 facility that it is to engagement and actually the</p> <p>17 coercive element that allows control. So in the</p> <p>18 training courses that we have developed, we have looked</p> <p>19 to create case studies that are credible, that create</p> <p>20 immersive environments and allow people to develop</p> <p>21 practical skills. As I look across the training, if</p> <p>22 a big brand name, whether government or charity,</p> <p>23 delivers training, that is no guarantee that it's</p> <p>24 credible. So the thought that says, well, actually, all</p> <p>25 of this training should be delivered by this</p> <p style="text-align: center;">Page 19</p>
<p>1 that National Crime Agency do that I applaud, but,</p> <p>2 actually, let's not pretend that we have reinvented the</p> <p>3 wheel and that it is something new. We have had</p> <p>4 a period of hiatus where things could have happened,</p> <p>5 should have happened and didn't because of a political</p> <p>6 imperative, much rather than an operational imperative</p> <p>7 focused on making children safer.</p> <p>8 Q. The panel are going to hear, as the week progresses,</p> <p>9 about the various changes that happened within NCA-CEOP</p> <p>10 and indeed within the police forces themselves, picking</p> <p>11 up the thread, perhaps, in 2014 and onwards. But in the</p> <p>12 time that remains this afternoon, Mr Gamble, there are</p> <p>13 a number of areas I would like your assistance to help</p> <p>14 the panel with the issues they have got to tackle. Just</p> <p>15 so I can outline, so you know where I am going, I would</p> <p>16 like to spend a moment with you looking at the role of</p> <p>17 prevention and education, which is clearly a theme that</p> <p>18 arises when looking at online CSA; the prioritisation of</p> <p>19 arrests; and some views by you, if I may, about the</p> <p>20 police arresting their way out of the problem and the</p> <p>21 role of industry. Can we take each of those topics in</p> <p>22 turn, Mr Gamble?</p> <p>23 Just dealing with prevention and education, clearly</p> <p>24 the Ineqe Group with which you are involved runs</p> <p>25 a number of training courses for a number of</p> <p style="text-align: center;">Page 18</p>	<p>1 organisation -- and I've been involved in providing</p> <p>2 training to nearly all of the organisations you'll find</p> <p>3 on the UKCCIS list --</p> <p>4 Q. UKCCIS standing for ...?</p> <p>5 A. UK Council for Child Internet Safety of which I was</p> <p>6 a founding member. What I would say is, there needs to</p> <p>7 be a standard set. All of the courses we deliver are</p> <p>8 CPD accredited, all of them accredited by the</p> <p>9 Institution of Leadership and Management and some come</p> <p>10 with CATS points from Queen's, which is</p> <p>11 a Russell Partner university. So it is actually about</p> <p>12 is the training credible, is it contemporary and is it</p> <p>13 going to make a difference to practitioners.</p> <p>14 Where you see some of the stuff coming from those</p> <p>15 who you would expect to be at the centre, where the</p> <p>16 icons about the apps they're talking about, like ASK.fm,</p> <p>17 linked to nine child suicides, and where that icon is</p> <p>18 out of date by two iterations, where actually the</p> <p>19 Instagram icon is out of date, how are you supposed to</p> <p>20 be, you know, reassured that you're delivering the right</p> <p>21 training? And while you have people talking about</p> <p>22 children's lives when self-harm and suicide is such</p> <p>23 a big issue, going into schools, saying, "What goes</p> <p>24 online stays online", and actually, whilst there's</p> <p>25 outcome 21, if you share an image as a child, you commit</p> <p style="text-align: center;">Page 20</p>

<p>1 a criminal offence, now there is a guarantee wrapped up                  2 in that that actually will have children locked in their                  3 rooms contemplating the fact that they have no hope.                  4 I think there is a mixed bag in training, but you                  5 cannot differentiate quality on the basis of the brand.                  6 Q. Do you think there is an argument that there is in fact                  7 too many people undertaking training and there is a lack                  8 of a national standard?                  9 A. There should be a national standard. The environment is                  10 congested, confused and competitive and that doesn't                  11 help anyone. But what I'm saying is, I wouldn't want to                  12 put -- in the position where the smaller individuals --                  13 you had Lorin LaFave here yesterday, somebody who goes                  14 out and delivers lots of training. From an experiential                  15 point of view, that is critically important. When you                  16 are looking at structured training -- so we support our                  17 training with apps, we support it -- our SSNAP, Safer                  18 Social Networking Activity Pack, cards was a finalist in                  19 the 2016 Educational Resource of the Year, because it                  20 encourages, through playing games and sharing, a better                  21 understanding for children and for safeguarding                  22 professionals.                  23 So there needs to be some kind of body that does it,                  24 but it cannot create a monopoly.                  25 Q. That was going to be my next question. Who is, in your</p> <p style="text-align: center;">Page 21</p>	<p>1 contact-only offenders, call it what you will?                  2 A. I do. I understand that there needs to be a risk                  3 assessment process, the triage, on the basis that, at                  4 this moment in time, you cannot do everything. So                  5 systems will be developed which give the greatest                  6 opportunity. The problem with the greatest opportunity                  7 is, even if you are 83 per cent accurate on what we                  8 know -- and let's face it, we don't know more than we                  9 actually know -- then there's 17 per cent where -- who                  10 you are leaving out in the wilderness.                  11 What I would say is this: when I began this debate                  12 about people who actually commit these offences,                  13 experience was telling us on arrest that actually people                  14 who view images of children may have already had                  15 a contact offence and may go on to have one. But I was                  16 told then in the early days, there is only about                  17 a 3 per cent chance of that. Then it was                  18 3 to 9 per cent, then it was 3 to 12 per cent. Now we                  19 are saying it is 12 to 55 per cent. The 2008                  20 Butner Study by Dr Mike Bourke and Dr Hernandez of                  21 people who were incarcerated for viewing offences                  22 identified 85 per cent of those involved had had                  23 a hands-on type offence. That study was considered                  24 controversial. The tactical use of the polygraph study                  25 in 2014 across five different federal agencies across</p> <p style="text-align: center;">Page 23</p>
<p>1 view, the body that should be responsible if there were                  2 to be a minimum standard in putting that into place and                  3 then enforcing it?                  4 A. It can't be one with a vested interest. Of course                  5 government would say that should sit with UKCCIS.                  6 I don't think UKCCIS is currently reflective enough,                  7 because you don't have dissenting voices within it and                  8 therein lies a problem. You don't have dissenting                  9 voices and you need to have within any multi-agency                  10 environment that healthy environment where decisions are                  11 made. So I think there should be an organisation --                  12 a body set up whereby standards are set, people pass                  13 accreditation, and then they are thereby authorised or                  14 accredited to deliver.                  15 Q. So effectively, a new body to undertake this role?                  16 A. Yes.                  17 Q. Can we turn then, please, to look at your paragraph 77                  18 onwards. Some of the issues that relate to the attempt                  19 to differentiate between those who commit online                  20 offending only, those who download, for example, or who                  21 commit only grooming online, and those who go on to                  22 commit contact offences and, indeed, dual offenders.                  23 Just looking at that topic, do you have any views,                  24 Mr Gamble, about those attempts differentiating between                  25 online-only offenders and offline-only offenders or</p> <p style="text-align: center;">Page 22</p>	<p>1 the entire territory of the United States and                  2 pre conviction, so when people had something to lose,                  3 found that 57.5 per cent of those polygraphs made                  4 admissions of contact offending. In 2016, the DeLisi                  5 et al report which involved probation in the US looked                  6 at those people who were being managed and 69 per cent,                  7 when put through the polygraph, actually admitted.                  8 So I work on the basis that if you have a deviant                  9 sexual interest in looking at an image and                  10 self-satisfying as you do that, which is what it is,                  11 then ultimately, you are likely to have already abused                  12 a child or may do so in the future on the basis of                  13 whether you think you can get away with it or not. To                  14 risk assess on the basis of what an individual has                  15 looked at just doesn't make sense and it doesn't bear                  16 out experience in my opinion.                  17 Q. If you are in general terms in agreement with the fact                  18 that there needs to be a risk-based approach, making                  19 that or acknowledging that as you do, how then are you                  20 to approach action against offenders if it is not                  21 through a risk-based approach?                  22 A. I understand why there's a risk-based approach on the                  23 basis of the current funding and current resourcing.                  24 You know, so we have this issue where there are too few                  25 police and there are far too many predators in the</p> <p style="text-align: center;">Page 24</p>

<p>1 online space, and those predators don't live online,                  2 those predators are teachers, police officers, they                  3 are -- come from all parts of society and they live in                  4 real homes with real children. So there is a critical                  5 problem.                  6 We are told, and the danger is we accept, the                  7 rhetoric that, "Well, we are doing as much as we can and                  8 there is no more money". I simply don't subscribe to                  9 that. The National Crime Agency, for example, has                  10 nearly half a million -- sorry, has got 500 -- about                  11 £500 million of funding, maybe 448 million last year,                  12 but it fluctuates. 14.5 million actually goes to CEOP.                  13 Now, it is not that there is no money. It is how                  14 you choose to spend that money. When you look at that                  15 the breakdown of it, of the £10 million from the "We                  16 Protect", which seems to spread in a way that -- I don't                  17 know how it does it, but it seems quite magical when you                  18 dive into what that £10 million does time and time                  19 again. Somebody needs to take a close look at that.                  20 Because if it is about money, £450 million versus                  21 £14.5 million, and we say the child protection is a key                  22 strategic policing priority. It doesn't equate.                  23 If you look at the risk assessment -- I'm the                  24 independent chair of three safeguarding boards. Let me                  25 give you an example of timelines on risk. If you look</p> <p style="text-align: center;">Page 25</p>	<p>1 police are doing the best they can, given the limited                  2 resources that they have got?                  3 <b>A. I think the police are doing the best they can within                  4 the framework that they have and the current leadership                  5 that drives them. But I do think there needs to be more                  6 creative thinking. There is not finite resource. It is                  7 how you choose to spend it within your particular                  8 portfolio area. But there are other measures. We have                  9 seen vigilantism. I'm fundamentally opposed to it. But                  10 actually, since 1965, we have had special constables.                  11 They are free --</b>                  12 <b>Q.</b> I do want to cover that topic. I just want to keep it                  13 at a reasonable pace, if I may, so we can take on board                  14 what you are saying.                  15 Before I turn to vigilantism, there has been                  16 a suggestion -- no doubt there will be evidence heard                  17 about it -- that the police simply cannot arrest their                  18 way out of the problem in relation to online-facilitated                  19 offending. I think you indeed acknowledge that there                  20 has been a growing scale of the problem. I would just                  21 like to ask you, before we look at the vigilante issue,                  22 about the role of deterrents in policing and potentially                  23 the role of deterrents in tackling that growing scale.                  24 Do you perceive there is a link between the growing                  25 problem and the lack of deterrents or insufficient</p> <p style="text-align: center;">Page 27</p>
<p>1 at a case that I've been looking at recently, it came to                  2 the attention of law enforcement on 26 January 2017.                  3 When I say it came to the attention of law enforcement,                  4 I'm led to believe that is the National Crime Agency.                  5 It went to the local CAIT, the Child Abuse Investigation                  6 Team, on 26 August 2017. It goes to CAIT because                  7 there's a child in the house where the predator is.                  8 Now, how can we justify that timelag? Look at the                  9 second case. 30 November 2016, went to NCA and, on                  10 17 November 2017, to the child abuse investigation team.                  11 A year later. For that period of a year, a child was                  12 living in the house.                  13 So the whole issue here about, "Well, we have got                  14 more resources, we are able to do this in a better                  15 way" -- Simon Bailey said on ITV last night that                  16 everything has increased by 700 per cent. Well,                  17 everything hasn't. The resourcing hasn't. If we want                  18 to make people safer in future, the challenge can't just                  19 be to industry. It must be to government and it must be                  20 to those who prioritise budgets, otherwise, you know                  21 what, we will be back here in a number of years.                  22 <b>Q.</b> I suspect the panel have well on board the concerns                  23 about the lack -- but if one approaches it on the basis                  24 that there is only a finite amount of funding, do you                  25 have any views, Mr Gamble, on the argument that the</p> <p style="text-align: center;">Page 26</p>	<p>1 deterrents as far as policing is concerned?                  2 <b>A. I think the problem grows exponentially in the absence                  3 of any credible deterrents whatsoever. You cannot have                  4 the numbers involved in this crime that we know exist                  5 and the minuscule arrests. If we were -- the other                  6 week, we were told there were nearly 200 people arrested                  7 in a week. That's good news, but we'd need to do that                  8 every week for the next ten years to deal with the                  9 numbers involved. So I agree with Simon that, actually,                  10 we can't simply arrest our way out of it, but we need to                  11 arrest more if we are going to create a credible                  12 deterrent. The numbers don't make it likely that an                  13 individual who goes on tonight is likely to be caught.                  14 So there needs to be a much greater investment and,                  15 actually, we need to begin from the point whereby                  16 deterrent is like the picture of the speed camera at the                  17 side of the road. When you see it, you slow down                  18 because you think, "I'm in an area where I might be                  19 caught speeding". That's active deterrence, because                  20 it's credible. We don't have that because we're simply                  21 not arresting enough. Do I agree we should be diverting                  22 those whom we can? Of course. But that is not the                  23 primary issue.</b>                  24 <b>Q.</b> In relation to deterrents, and it ties in in part to                  25 what you were going on to say about vigilantism, I think</p> <p style="text-align: center;">Page 28</p>

1 you mentioned the use in parts of England and Wales of  
 2 special constables. I wanted to consider your proposals  
 3 at paragraph 89 in your statement where you make this  
 4 observation that you have been proposing for a number of  
 5 years that we use special constables to recruit what are  
 6 called special digital detectives.  
 7 Can you explain to the panel what you mean by  
 8 a "special digital detective"?

9 **A. Basically, you take the special constable concept, that**  
 10 **is a citizen volunteer who submits to a recruitment**  
 11 **process, who is vetted as part of that process,**  
 12 **psychologically assessed because of the nature of**  
 13 **the work, and then trained. We know from the vigilante**  
 14 **experience that you don't need to be a rocket scientist**  
 15 **to carry out some of the low-level work that captures**  
 16 **a lot of the low-hanging fruit. Because you see from**  
 17 **the successes they have had -- and there are so many**  
 18 **dangers inherent with that, I'm not supporting it. So**  
 19 **bring it within the criminal justice framework, so that**  
 20 **those who apply to be volunteer digital detectives can**  
 21 **actually go through the process and come in to the**  
 22 **police station in Hackney, in Bromley, in the City of**  
 23 **London, where they will work on equipment which is set**  
 24 **up to evidentially capture what they do as they do the**  
 25 **lowest level of engagement, which is masquerading as**

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1 **a child in a particular area and simply waiting.**  
 2 **A little bit like a drugs test purchase in days gone by.**  
 3 **Now, the police resist this, and I don't know why,**  
 4 **because we now have the initiative that we are talking**  
 5 **about them, specials for the Border Force. If this is**  
 6 **an issue about not enough money, then if you can't open**  
 7 **your purse, then open your mind. Begin thinking about**  
 8 **better ways that we can build a citizens' army that**  
 9 **creates a much greater likelihood of someone talking to**  
 10 **your 13-year-old daughter actually talking to**  
 11 **a 13-year-old volunteer digital detective. I cannot for**  
 12 **the life of me understand why that concept has not been**  
 13 **embraced because if we had 1,500 digital detectives**  
 14 **across the UK, even using police ready reckoner for the**  
 15 **training and the support that would be with that,**  
 16 **£2 million a year, it is nothing, and actually, you**  
 17 **would for once turn the tables on those individuals who**  
 18 **go online thinking, "Well, you know, the chances of me**  
 19 **getting caught are very slim. I'm not famous. They're**  
 20 **not out after me". And that's the mentality that is out**  
 21 **there.**

22 Q. How practical, though, do you think it is to train that  
 23 number of volunteers, to monitor them, ensure they are  
 24 doing a good job, if there would be, as you say,  
 25 potentially up to 1,500 needed to tackle the problem we

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1 are faced with?

2 **A. There are 16,000 special constables on your streets at**  
 3 **this moment in time. They have a power of arrest so**  
 4 **they can detain a citizen and affect their liberty.**  
 5 **Their mere presence reassures people when they are**  
 6 **coming out of areas where there is a risk. I don't**  
 7 **understand -- you know, if we can do that, the online**  
 8 **part is much easier for us to actually supervise through**  
 9 **the mechanisms we can put on the technology they access**  
 10 **and the training we employ. So they would be vetted,**  
 11 **recruited, trained and psychologically assessed. Not to**  
 12 **make sure that they -- well, actually to look at their**  
 13 **own psychological profile, but to ensure nothing in the**  
 14 **work is going to harm them. I'm not suggesting for one**  
 15 **second that they go looking for images. That's not**  
 16 **what's done in this particular area.**

17 Q. You are suggesting that they essentially --  
 18 **A. That they masquerade.**  
 19 Q. Yes, as a 13-year-old girl on line?  
 20 **A. Yes.**  
 21 Q. That is no doubt a proposal that the panel would want to  
 22 consider and it may be that others will want to comment  
 23 on that.  
 24 I'd like your views, please, on some of the evidence  
 25 that the panel are likely to hear in relation to

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1 alternative approaches to low-risk offenders. I think  
 2 in particular you have seen both Deputy Director Niven's  
 3 statement and his comments in that regard and indeed  
 4 Chief Constable Bailey's statement.  
 5 If I can just summarise it in this way, what is  
 6 envisaged, certainly by Mr Bailey, in his own view, not  
 7 acting as NPCC policy, is a more streamlined  
 8 investigation to low-risk offenders with the use of what  
 9 are called conditional cautions and with treatment  
 10 requirements which will be subject to ongoing  
 11 supervision.  
 12 Do you have any views, Mr Gamble, as to whether that  
 13 would be a potential way of solving the problem with the  
 14 proliferation of low-risk offenders in this area?

15 **A. In the mid 2000s, you know, I looked at the issue with**  
 16 **Lucy Faithfull and others about diverting people from**  
 17 **offending and how cautions could be an effective**  
 18 **mechanism to do that. Cautions are used -- so making**  
 19 **sure that the right people go to prison and the right**  
 20 **people are cautioned, of course, is a sensible approach.**  
 21 **But there has got to be a tertiary approach. There has**  
 22 **to be an active and real deterrent. There's got to be**  
 23 **an effective enforcement regime. We have to educate,**  
 24 **empower and protect our children, and those who are**  
 25 **working with them, with the right information. But if**

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1 you were going to go for this, and I'm not a supporter  
 2 of it per se, but I see what Simon is saying, then it  
 3 should be -- a prerequisite should be that you actually  
 4 go through a polygraph assessment. Because at the end  
 5 of the day, I do believe that polygraph provides  
 6 a secondary level of reassurance.

7 Predators minimise, self-justify and blame others  
 8 across the board. It is never their fault. You know,  
 9 it was somebody else and actually they are  
 10 misunderstood. The first time they are caught is the  
 11 first time they have ever done it. So, you know, this  
 12 is a problem that lies within the offender management  
 13 regime. So we need to use the polygraph much, much more  
 14 effectively and if you were going to go for conditional  
 15 caution it would only be subject to a risk assessment on  
 16 the base of polygraph alone. I still think that you're  
 17 playing the lottery with children's lives if you really  
 18 think we can, with a degree of certainty, differentiate  
 19 between someone who looks at an image, is a viewer, and  
 20 someone who goes on to actually commit a contact  
 21 offence. Because in reality, when you see this  
 22 happening across the board, you look at people who were  
 23 dealt with. Timothy Storey. A theology graduate or  
 24 theology student at Oxford who was dealt with in the  
 25 first instance because he was grooming children online

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1 and looking at images. Given a sex -- given  
 2 a rehabilitation -- a community rehabilitation order for  
 3 three years. Yet, if you looked at his profile, he had  
 4 800 friends on his Facebook page, all of whom were under  
 5 14 and all of whom were girls. Now, he was dealt with  
 6 and the comments that were made about the risk  
 7 assessment around him I think are a good case study to  
 8 look at, and on he went. The year before last he was  
 9 convicted of the rape of three 13-year-old girls in  
 10 Southwark Court.

11 Now, without being frivolous, a blind man on  
 12 a galloping horse could have seen that he actually  
 13 represented a risk to children because of the propensity  
 14 he had demonstrated with regard to how he blackmailed  
 15 young people to get those images. I think it is time  
 16 for a wake-up call. We can continue going around saying  
 17 there is just too many and there's not enough money, and  
 18 we keep doing this, but that is not going to make  
 19 a difference. I think survivors deserve to see an  
 20 actual real investment being made in the tactical  
 21 options that we choose to use that minimise  
 22 opportunities for offenders online. I do think the  
 23 problem with this strand is that we are looking at the  
 24 technology where it is actually about looking at people  
 25 and their behaviour and how you inhibit that.

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1 Q. One of the other strands that I would like you to  
 2 comment on, and the panel will be considering in the  
 3 wider investigation, is the role of industry. Can  
 4 I turn, please, to your paragraph 97 onwards in your  
 5 statement.

6 From your perspective, Mr Gamble, both in your role  
 7 in CEOP and now your role in training as part of  
 8 the Ineqe Group, what do you have to say, if anything,  
 9 about the role of industry and whether they could and  
 10 should be doing more?

11 A. Industry are an easy target. It is easy to attack  
 12 industry because they have lots of money and actually it  
 13 is popular to do so. Let me say this: whenever  
 14 I resigned, the people from the Home Affairs Select  
 15 Committee, one of the questions was, "Why are so many  
 16 people in the industry happy to see you going?" That  
 17 was an actual question that you can see. That's because  
 18 I did chivvy and address the issue with them  
 19 continuously and in public.

20 Have they improved? Radically. The likes of  
 21 Facebook and others with their moderation, with their  
 22 photo DNA in the background, with their use of hash  
 23 coding, with the reports they make through NCMEC --  
 24 I mean, we talk about the exponential growth of reports,  
 25 the reports that go to NCMEC come from industry. So if

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1 you look at the case recently in Denmark where there  
 2 were 1,000 individuals sharing images of two  
 3 15-year-olds, where do we think they came from? They  
 4 came from something found on Facebook that actually went  
 5 to NCMEC and was then shared with the jurisdiction.

6 Can they do more? Yes. Should they do more?  
 7 Absolutely. But let's stop beating about the bush with  
 8 this. We bring the industry thing up all the time and  
 9 we put them under pressure to do more voluntarily. Tax  
 10 them. Licence them to work in the environment and  
 11 hypothecate that money to invest in children's social  
 12 care, education and law enforcement.

13 Colleagues in the Home Office will roll their eyes.  
 14 They can roll their eyes until the cows come home, but  
 15 at the end of the day, we are not going to continue to  
 16 deal with this until there is a real investment and  
 17 actually, if we have to get that money from industry,  
 18 let's get it from industry, but do it in an open, honest  
 19 and transparent way that is about licensing or taxation.

20 In the meantime, the government could do well by  
 21 actually practising what it preaches and, rather than  
 22 aggregating sums of money that it releases as one-offs  
 23 into figures that sound impressive when you talk about  
 24 £40 million over four years going into something,  
 25 actually make a real investment. There is a £2 billion

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<p>1 <b>shortfall into children's social care. That's where</b>                  2 <b>this is dealt with at the end of the day. So actually,</b>                  3 <b>government need to talk about how they are prioritising</b>                  4 <b>and how that prioritisation manifests itself in actual</b>                  5 <b>money and resource.</b>                  6 Q. I think you made that observation in your paragraph 100                  7 where you say that governments should continually press                  8 for the online industry to do more. What is it you                  9 would actually envisage the government doing to bring                  10 about the effects that you clearly want to have here?                  11 <b>A. I think the government needs to agree with international</b>                  12 <b>partners that they are going to apply a taxation model.</b>                  13 <b>Because if I own – Simon's example. If I own a shop,</b>                  14 <b>of course I am going to operate to the standards of</b>                  15 <b>construction and use and the efficacy you would imagine</b>                  16 <b>from someone who wants to retain the right to run</b>                  17 <b>a shop. But if something goes wrong within that shop,</b>                  18 <b>to be fair to industry – so industry need to behave</b>                  19 <b>appropriately. But if something goes wrong within that</b>                  20 <b>shop, if there's someone of my customers in the coffee</b>                  21 <b>shop who is sexually assaulted, I don't expect the</b>                  22 <b>barista to deal with that, I expect the police to turn</b>                  23 <b>up, collect, collate the evidence and deal with that.</b>                  24 <b>And that's not happening. So we hide behind "Industry</b>                  25 <b>is not doing enough". Well, yes, they are not, but</b></p> <p style="text-align: center;">Page 37</p>	<p>1 <b>masquerade as if below the age of 18 if you did not have</b>                  2 <b>lawful authority or reasonable excuse. Lawful authority</b>                  3 <b>would come from the police; a reasonable excuse might be</b>                  4 <b>a parent who is worried about their child and then</b>                  5 <b>decides to take on their own child's persona to look at</b>                  6 <b>that. That's about a sensible and pragmatic approach to</b>                  7 <b>creating an architecture through legislation that makes</b>                  8 <b>it easier to prosecute people, because so much of</b>                  9 <b>the legislation relies on proving intent. Why would I,</b>                  10 <b>as a 58-year-old man, want to pretend to be 16 to talk</b>                  11 <b>to a 13-year-old girl?</b>                  12 Q. Can I pause you there? Whilst one might easily see how                  13 it would make it easier to prosecute the offence, it                  14 might not make it easier to detect the offence, because                  15 it would rely on someone knowing they are masquerading                  16 online or the child potentially raising a suspicion or                  17 concern that the person they were speaking to was                  18 masquerading. How is that potential change going to                  19 make any difference in reality to the problems that the                  20 police face in investigating and detecting it in the                  21 first place?                  22 <b>A. Because when some of the information comes to the police</b>                  23 <b>in the first instance, it doesn't fulfil the criteria</b>                  24 <b>which allows them to achieve a prosecution, for example,</b>                  25 <b>grooming, getting them to go or move with a sexual</b></p> <p style="text-align: center;">Page 39</p>
<p>1 <b>actually, government need to invest and, if they don't,</b>                  2 <b>then we are not going to make a difference. If they</b>                  3 <b>haven't got the money, then they should license or tax</b>                  4 <b>industry in an open, honest and transparent way and</b>                  5 <b>hypothecate that funding into children's social care,</b>                  6 <b>education, offender management and criminal justice.</b>                  7 Q. I think one of the other recommendations that you                  8 suggest in your statement is a potential change in the                  9 law. I'm looking, Mr Gamble, at your paragraph 90 where                  10 you make this suggestion, that it should be a criminal                  11 offence for someone above the age of 18 to masquerade                  12 online as if they were below the age of 18 for the                  13 purpose of talking to someone they know or believe to be                  14 under 18 without lawful authority or reasonable excuse.                  15 I just want to break that down. Why do you make this                  16 potential suggestion for a change in the law?                  17 <b>A. It forms part of a number of changes in the law</b>                  18 <b>I suggested to the Committee for Justice to the</b>                  19 <b>Northern Ireland Assembly a number of years ago.</b>                  20 <b>Number one, it inhibits people from masquerading and</b>                  21 <b>everyone doesn't masquerade. Some of them lie about</b>                  22 <b>their age to a slight degree, some of them more so. But</b>                  23 <b>actually, what it would do with a single swipe of</b>                  24 <b>the pen or a legislative instrument is inhibit or</b>                  25 <b>prohibit vigilante activity, because you could not</b></p> <p style="text-align: center;">Page 38</p>	<p>1 <b>intent. But actually, where you have the limited</b>                  2 <b>information and a substantive criminal offence, you are</b>                  3 <b>able then to seize the equipment. I would hazard</b>                  4 <b>a guess that most individuals who are masquerading in</b>                  5 <b>that way, you are going to find additional information</b>                  6 <b>and evidence. But ultimately, what it does is it puts</b>                  7 <b>a framework around who can do what in the online</b>                  8 <b>environment. The other critical law that this panel</b>                  9 <b>needs to think about is decriminalising sharing of</b>                  10 <b>images between consenting young people below the age of</b>                  11 <b>18. I know Simon and the police have dealt with that</b>                  12 <b>through outcome 21, however outcome 21 means it is still</b>                  13 <b>a criminal offence.</b>                  14 <b>The fact of the matter is, when you see suicide</b>                  15 <b>ideation as it is reported to ChildLine, when you see</b>                  16 <b>some of the serious case reviews we have looked at,</b>                  17 <b>a child fears the investigation. A child doesn't go</b>                  18 <b>into the detail of, well, you know, outcome 21 is going</b>                  19 <b>to mean that it can be recorded in a particular way.</b>                  20 <b>If I am 16 and my 15-year-old girlfriend has shared</b>                  21 <b>an image with me, the fact of the matter is, we both</b>                  22 <b>technically commit a criminal offence. That's not</b>                  23 <b>helpful or healthy for them. They have committed</b>                  24 <b>a misjudgment as children. If I, whenever we break up,</b>                  25 <b>share the picture with my friends on group chat, well,</b></p> <p style="text-align: center;">Page 40</p>

<p>1 <b>actually, I should have committed an offence of</b>                  2 <b>malicious sharing. I shouldn't necessarily be labelled</b>                  3 <b>a sex offender for the rest of my life. So it is about</b>                  4 <b>having a more nuanced approach to that and then being</b>                  5 <b>much more aggressive in our pursuit of those offenders</b>                  6 <b>outside of that.</b>                  7 Q. Is there not a counter-argument, though, that might run                  8 as follows, that in allowing it to be recorded as                  9 a crime but not prosecuted, a marker is effectively                  10 placed on a record such that, if the offender comes to                  11 light 12 months down the line, two years, three years                  12 down the line, one can see that there was a concern                  13 about the sharing of indecent imagery, no action was                  14 taken then, but at least one knows then that there is                  15 a context to the offender's background and the potential                  16 harm that they might pose?                  17 <b>A. I think the marker you're talking about is a mark on the</b>                  18 <b>character of the child. There are other ways -- you</b>                  19 <b>know, juvenile cautions, the way they are dealt with,</b>                  20 <b>they expire whenever you reach 18.</b>                  21 <b>If there is malicious sharing, what I'm saying is</b>                  22 <b>there should be an offence for malicious sharing. But</b>                  23 <b>we currently deliver a message that says "What goes</b>                  24 <b>online stays online". We know from hash coding</b>                  25 <b>technology, from photo DNA technology, if we get the</b></p> <p style="text-align: center;">Page 41</p>	<p>1 THE CHAIR: Thank you. We will return at 3.30 pm.                  2 (3.15 pm)                  3 (A short break)                  4 (3.32 pm)                  5 MS CAREY: Chair, the next witness this afternoon is Deputy                  6 Director Keith Niven. Could he be sworn, please?                  7 MR KEITH ANDREW NIVEN (sworn)                  8 Examination by MS CAREY                  9 MS CAREY: Mr Niven, your full name, please?                  10 <b>A. Keith Andrew Niven.</b>                  11 Q. I think you have made, in fact, three statements to the                  12 inquiry which, chair, you should have in, I hope, our                  13 file 2 behind divider A/1, 2 and 3.                  14 Certainly, Mr Niven, when you made your first                  15 statement to the inquiry, you were the then temporary                  16 deputy director of the NCA's CEOP command. I think you                  17 are now, in fact, the deputy director support to the                  18 NCA-CEOP?                  19 <b>A. Yes, that's correct.</b>                  20 Q. What, in layman's terms, is the difference between those                  21 two roles?                  22 <b>A. Well, my role as temporary deputy director concluded</b>                  23 <b>just at the beginning of December and a new deputy</b>                  24 <b>director has now taken that role. I have provided</b>                  25 <b>support for that since that date and now provide support</b></p> <p style="text-align: center;">Page 43</p>
<p>1 <b>original image, we can inhibit people being able to get</b>                  2 <b>it again. That's the message children need to hear in</b>                  3 <b>lessons in school: that the police, their teachers,</b>                  4 <b>their mum and dad and everyone else are simply going to</b>                  5 <b>want to help them, because it's been consensual sharing.</b>                  6 <b>That's the message they need to hear. Because early</b>                  7 <b>intervention -- early education, early help and early</b>                  8 <b>intervention is critical no matter what type of</b>                  9 <b>safeguarding we are talking about. We have to create an</b>                  10 <b>environment where children feel much more at ease to</b>                  11 <b>come forward at the earliest opportunity. That way, we</b>                  12 <b>can recover images from group chat -- well, we are more</b>                  13 <b>likely to -- and we can also interdict the emotional</b>                  14 <b>mood of the child before it reaches a crisis point and</b>                  15 <b>they self-harm.</b>                  16 MS CAREY: Mr Gamble, thank you, that's all the questions                  17 I wanted to ask. Will you just wait there?                  18 Chair, is there anything you or the panel would like                  19 to ask? Would you forgive me one moment while I check                  20 with other counsel. No. Thank you very much.                  21 Mr Gamble, thank you very much.                  22 <b>A. Thank you for your time.</b>                  23 <b>(The witness withdrew)</b>                  24 MS CAREY: Chair, would that be a convenient time for the                  25 afternoon break?</p> <p style="text-align: center;">Page 42</p>	<p>1 <b>whilst the inquiry is ongoing.</b>                  2 Q. To help us perhaps accurately depict the way that the                  3 CEOP command is put into place, I think there is an                  4 organogram at NCA000176. We are just going to call that                  5 up on screen?                  6 <b>A. Yes, that's correct.</b>                  7 Q. So that we are aware, you are coming back to give                  8 evidence tomorrow?                  9 <b>A. Yes.</b>                  10 Q. So in due course, we can expand on any of the themes                  11 that we need to and I hope take your evidence at                  12 a sensible pace this afternoon?                  13 <b>A. Right.</b>                  14 Q. Just looking at that organogram, clearly, there you are                  15 sitting under the CEOP director Will Kerr. Would you                  16 just help the panel with the next row of the leadership                  17 team and help us with what are the operations department                  18 or division, the governance and performance, the                  19 overseas territories and the education, child protection                  20 strand?                  21 <b>A. If we start with the grade 1, which is what "G1"</b>                  22 <b>represents, that is an individual that has</b>                  23 <b>responsibility for the CEOP operations team. So there</b>                  24 <b>are two teams. One is based in London and one is based</b>                  25 <b>in the north. He also has a responsibility for</b></p> <p style="text-align: center;">Page 44</p>

<p>1 <b>an intelligence capacity as well, and a number of other</b>                  2 <b>posts that relate to operational work.</b>                  3 Q. The strand below, the grade 2, as they would then be,                  4 what is their role?                  5 <b>A. They are leadership positions as well, grade 2, and that</b>                  6 <b>equates to the teams that are being led in the north and</b>                  7 <b>the teams that are being led in the south as well.</b>                  8 Q. I think we can see along there the grade 2s that sit                  9 under the grade 1s in the respective teams. Is that the                  10 right word for them, teams?                  11 <b>A. Yes, they are teams of officers.</b>                  12 Q. It might be helpful, chair, I should have said, that                  13 that organogram is in fact behind your tab 5 in the                  14 bundle. But if we also have a look behind your tab 6                  15 and indeed NCA000177, just at where CEOP sits within the                  16 overall National Crime Agency leadership structure, we                  17 can see at the top there Lynne Owens is the director                  18 general and there are two deputy directors, Mr Horne and                  19 Ms Cope, one in relation to operations and one in                  20 relation to capabilities. In a nutshell, can you help                  21 us with what that practically means?                  22 <b>A. So we have a deputy director general that is operations</b>                  23 <b>which is where CEOP sits under those. There are four</b>                  24 <b>areas, priority areas, for the agency. Will Kerr is the</b>                  25 <b>director for vulnerabilities and that includes CEOP. It</b></p> <p style="text-align: center;">Page 45</p>	<p>1 <b>A. Yes, that's true.</b>                  2 Q. And other government agencies, and then CEOP was                  3 established as an affiliated organisation in April 2006?                  4 <b>A. Yes, it was.</b>                  5 Q. By October 2013, the Serious Organised Crime Agency was                  6 effectively abolished and replaced with the National                  7 Crime Agency?                  8 <b>A. That's correct.</b>                  9 Q. I would like, please, then to look at what you describe                  10 as the fundamental changes. At paragraph 27 of your                  11 first witness statement, which is the statement ending                  12 163 -- no need to call it up onto the screen. Chair,                  13 you will find that at page 14 of the first witness                  14 statement. Do you have that, Mr Niven?                  15 <b>A. Yes, I do.</b>                  16 Q. Is it fair to observe that most of what you describe as                  17 fundamental changes took place in 2013 and 2014 in                  18 various forms?                  19 <b>A. Yes, that's correct.</b>                  20 Q. So that there is a little background to 2013 and those                  21 changes, is this right, that in 2012, there was an HMIC                  22 report that was being conducted, what became called                  23 "Online and on the edge"?                  24 <b>A. Yes, that's correct.</b>                  25 Q. The fieldwork was being done in 2012, although the</p> <p style="text-align: center;">Page 47</p>
<p>1 <b>also includes modern slavery and human trafficking and</b>                  2 <b>vulnerability and borders. The reason they have been</b>                  3 <b>placed within the responsibility of Will Kerr is because</b>                  4 <b>there are crossovers. So in relation to child sexual</b>                  5 <b>exploitation, which is the first one there,</b>                  6 <b>vulnerability and borders, we are talking about child</b>                  7 <b>trafficking, and also modern slavery and human</b>                  8 <b>trafficking as well. We found there were overlaps</b>                  9 <b>between all of those policing areas and crime types and</b>                  10 <b>it made absolute sense to ensure that we were working</b>                  11 <b>together in relation to focusing on the safeguarding of</b>                  12 <b>the individuals that were subjected to crimes under</b>                  13 <b>those headings.</b>                  14 Q. I hope that's a useful way of taking as a snapshot                  15 a picture of how CEOP works and indeed how CEOP fits                  16 into the overall structure of the National Crime Agency.                  17 I think you are aware, Mr Niven, that in opening                  18 this strand of the investigation to the panel, some time                  19 was spent looking at the chronology of CEOP and, indeed,                  20 how it has come to be in its current form. So I am not                  21 going to go over the background to the formation of CEOP                  22 at any length. But in summary, the Serious Organised                  23 Crime Agency was established in 2006, which itself was                  24 an amalgamation I think of the National Crime Squad; is                  25 that right?</p> <p style="text-align: center;">Page 46</p>	<p>1 actual report was not in fact published until 2015?                  2 <b>A. That's also correct.</b>                  3 Q. That fieldwork took on part of an inspection to see how                  4 police forces performed their work to prevent online                  5 child sexual exploitation and abuse?                  6 <b>A. Yes, that's true.</b>                  7 Q. Did that fieldwork identify opportunities for there to                  8 be a more coordinated law enforcement activity to                  9 apprehend offenders?                  10 <b>A. Yes, it did.</b>                  11 Q. So that was ongoing in 2012, and in due course that                  12 coordinated law enforcement response became what is                  13 called Operation Notarise?                  14 <b>A. Yes, that culminated.</b>                  15 Q. We will look at Operation Notarise in due course, but                  16 just the background to it. There was also, I think you                  17 can help, an issue that arose within CEOP in relation to                  18 a failure to act on some Canadian intelligence. I would                  19 just like to ask you about that, because that culminated                  20 in an IPCC referral -- Independent Police Complaints                  21 Commission referral -- in 2014. Can I just ask you                  22 about that, please?                  23 <b>A. Yes. That was a referral that came to the -- at that</b>                  24 <b>particular time. The referral came into the agency. It</b>                  25 <b>was not acted upon and not -- it didn't go through the</b></p> <p style="text-align: center;">Page 48</p>

<p>1 <b>normal processes that we would have today in relation to</b>                  2 <b>tasking. As a consequence, there was a delay in action</b>                  3 <b>being taken in relation to that referral.</b>                  4 Q. Can I help you to this extent, deputy director, because                  5 the report itself is behind our tab 7. If we could just                  6 call up, please, exhibit reference NCA000196, it might                  7 help with the dates of the referral and the potential                  8 problem that was referred by the NCA. Can we turn to                  9 page 7, please. There was, was there not, during --                  10 paragraph 20 I'm looking at -- 2011, an identified                  11 backlog of 2,458 referrals which required processing?                  12 <b>A. That's true.</b>                  13 Q. You can see there that CEOP created an operation to try                  14 to reduce that backlog, coded Operation W?                  15 <b>A. Yes, that's true. Yes, that's correct.</b>                  16 Q. When one looks at paragraph 21, we can see there                  17 reference to "During Operation W, a backlog of 1,209                  18 referrals developed within the Case Development Unit."                  19 I just want to understand how Operation W led to                  20 there being a backlog of referrals within the Case                  21 Development Unit. Are you able to help with what that                  22 in effect means?                  23 <b>A. I haven't got the details in front of me, but clearly</b>                  24 <b>they were referrals that were not progressed in the --</b>                  25 <b>with the relevant amount of resource and time.</b></p> <p style="text-align: center;">Page 49</p>	<p>1 are now currently looking at?                  2 <b>A. Well, something had happened in between that, which was</b>                  3 <b>that when Toronto requested an update in October 2013,</b>                  4 <b>it was dealt with by way of independent review. So the</b>                  5 <b>current deputy director-general at that point in time</b>                  6 <b>wanted it to be reviewed and there were two reviews that</b>                  7 <b>took place into why there had been delays.</b>                  8 <b>He ensured that those referrals were then</b>                  9 <b>disseminated out to forces forthwith, and there were</b>                  10 <b>recommendations made as a result of the review that took</b>                  11 <b>place.</b>                  12 <b>During that time or shortly afterwards, it was</b>                  13 <b>discovered that, whilst the NCA had one of those</b>                  14 <b>referrals, other crimes had taken place, so there was</b>                  15 <b>then a referral made to the IPCC.</b>                  16 Q. The IPCC report concluded essentially that there were                  17 systemic failures rather than misconduct of individual                  18 officers?                  19 <b>A. Yes, that's correct.</b>                  20 Q. The IPCC made various recommendations so as to ensure                  21 that the delay in acting on the Toronto Police                  22 information didn't occur again?                  23 <b>A. Yes, that's right. It followed very much the Herts</b>                  24 <b>review that took place and the other review.</b>                  25 Q. I think at your paragraph 215 of your first statement to</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. The reason I draw the panel's attention to the backlog                  2 in 2011 is it feeds into the Canadian referral, which                  3 was referred by the Toronto Police Service, I think                  4 in July 2012?                  5 <b>A. Yes, that's correct.</b>                  6 Q. Essentially, the Canadian Police forwarded an                  7 information package in relation to indecent images of                  8 children that related to the UK?                  9 <b>A. Yes. I think it was DVDs or films where they were</b>                  10 <b>contained.</b>                  11 Q. Essentially, there was, I think, a company in Canada                  12 that was distributing DVDs and online films of indecent                  13 imagery, and they were able to identify the UK suspects,                  14 hence the referral then to NCA-CEOP?                  15 <b>A. Yes.</b>                  16 Q. So that referral came in in July 2012, and to help you,                  17 Deputy Director, with the dates, in October 2013, the                  18 Toronto Police, who had made the referral, requested an                  19 update on the matters they had referred?                  20 <b>A. Yes.</b>                  21 Q. It was at that point it was discovered that in fact the                  22 information by Toronto Police had not been acted on?                  23 <b>A. Yes.</b>                  24 Q. As a result of that failure, the NCA made the voluntary                  25 referral to the IPCC, which led to the report that we</p> <p style="text-align: center;">Page 50</p>	<p>1 the inquiry, you deal there with the recommendations                  2 that were made and the steps taken by NCA-CEOP to put                  3 into effect those recommendations?                  4 <b>A. Yes, there was a series of recommendations that were all</b>                  5 <b>accepted and all acted upon.</b>                  6 Q. I interposed reference to the IPCC report and that                  7 failure because it spans some of the timeframe of                  8 the fundamental changes that I was about to ask you                  9 about. So can we just look back at your paragraph 27                  10 and look at some of those changes. I will go through                  11 each in turn, if I may, Mr Niven.                  12 <b>A. Yes.</b>                  13 Q. In your view, the changes were numerous, and included                  14 the appointment of Chief Constable Simon Bailey as the                  15 NPCC lead for child protection abuse investigations?                  16 <b>A. Yes, that's correct.</b>                  17 Q. There was a new director of CEOP appointed on                  18 9 December 2013. Now, why was that a fundamental                  19 change?                  20 <b>A. Well, that was -- there was a director prior to that,</b>                  21 <b>but I think the point being made here was that this was</b>                  22 <b>a new director now that was part of the NCA-CEOP where</b>                  23 <b>previously that wasn't the case. So this was a new</b>                  24 <b>individual that was working for a new organisation and</b>                  25 <b>was now taking that directorship role.</b></p> <p style="text-align: center;">Page 52</p>

1 Q. The NCA itself was mandated under the Crime and Courts  
 2 Act to secure efficient and effective activities?  
 3 **A. Yes, and that was a fundamental change because that**  
 4 **wasn't something that was available prior to the**  
 5 **commencement of the NCA.**  
 6 Q. Was it under that piece of legislation that I think the  
 7 letter that was looked at in the opening address was  
 8 written from the then director of the NCA to the then  
 9 lead for the NPCC?  
 10 **A. Yes, the Crime and Courts Act enables the**  
 11 **director-general to ensure there is an efficient and**  
 12 **effective response to serious and organised crime, and**  
 13 **this included child sexual exploitation.**  
 14 Q. We may look again at the letter in more detail in due  
 15 course.  
 16 In 2013, I think you say that the national plan  
 17 implementing the 4P approach -- namely, pursue, prevent,  
 18 protect and prepare -- was implemented.  
 19 **A. Yes, that's correct.**  
 20 Q. In 2014, there was then the first national coordinated  
 21 operation, namely, Operation Notarise?  
 22 **A. Yes. This was significantly different, because this was**  
 23 **the first time that the police forces worked together to**  
 24 **tackle the threat, and that was very much enabled by the**  
 25 **fact that this was now the National Crime Agency.**

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1 Q. There was also the launch of the national child abuse  
 2 image database?  
 3 **A. Yes, there was.**  
 4 Q. We know that in 2015 child sexual abuse and exploitation  
 5 were placed on the same footing when it became  
 6 a strategic policing requirement. What impact did that  
 7 have on this area?  
 8 **A. Well, that ensured that there was an efficient and**  
 9 **effective response to it. It placed a responsibility on**  
 10 **forces and Police and Crime Commissioners, so that this**  
 11 **was placed on the same level with the same importance of**  
 12 **those other areas.**  
 13 Q. Can I ask you this: clearly, there was a lot of activity  
 14 and effort being put in in 2013 and 2014 to taking  
 15 a more proactive stance in relation to online  
 16 facilitated offending. Absent that activity, do you  
 17 have any observations or evidence to give about what was  
 18 going on prior to all of these matters being put into  
 19 effect?  
 20 **A. Well, there was work taking place, but it -- as was**  
 21 **recognised with the "Online and on the edge" report, it**  
 22 **actually wasn't coordinated. It was the coordination**  
 23 **that brought the strength to the approach to tackling**  
 24 **this crime. It was about understanding the threat in**  
 25 **greater detail and making sure that we reduced the**

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1 **opportunities for duplication, and that we strengthened**  
 2 **our approach. That's what -- that enabled -- we were**  
 3 **enabled by the fact that we became part of the NCA.**  
 4 Q. Would it be fair to observe, therefore, that in part the  
 5 HMIC's findings in the "Online and on the edge" review  
 6 effectively encouraged, at the very least, those to  
 7 coordinate a more national response?  
 8 **A. It certainly endorsed the work that was ongoing and the**  
 9 **fact that it had been recognised that a much more**  
 10 **coordinated response was required.**  
 11 Q. Can I ask you, please, about what you perceive to be the  
 12 benefits of incorporation at your paragraph 28 of  
 13 the NCA-CEOP into -- I think that should be the NCA  
 14 rather than the Serious Organised Crime Agency, as it  
 15 appears in your statement. I will just let you turn  
 16 that up.  
 17 **A. Yes. Part of the benefits are that in fact the NCA is**  
 18 **a significant organisation that has certainly more**  
 19 **resources that are now available than there were prior**  
 20 **to its commencement. If we look to -- certainly back to**  
 21 **CEOP in 2008, where there were 116 posts, and even by**  
 22 **2010 that was about 120 officers, currently we have 256**  
 23 **core-funded posts within CEOP and a total of 300**  
 24 **dedicated officers across the agency.**  
 25 **What it gives us is that level of flexibility,**

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1 **because there are 4,000 people within the organisation,**  
 2 **roughly, and around 1,000 investigators. When we**  
 3 **require surges or when we require operations to take**  
 4 **place, we can draw on those resources, and we become**  
 5 **much more effective in relation to that. When I say**  
 6 **"effective" and "draw on those resources", areas such as**  
 7 **the National Cyber Crime Unit, for example, that has**  
 8 **a wealth of experience and understanding of the cyber**  
 9 **issues, we can utilise those, because of course that's**  
 10 **the area that we are dealing with as well.**  
 11 **Our international network, where we have significant**  
 12 **numbers. Certainly within the NCA's international**  
 13 **network, that includes over 150 NCA staff in 68 offices**  
 14 **in 49 countries with an overall coverage of**  
 15 **130 countries, and this was pointed out as well by that**  
 16 **report to say that that wasn't available prior to the**  
 17 **NCA.**  
 18 **So these are all key areas for us. We are also**  
 19 **working jointly with GCHQ. That wasn't something that**  
 20 **was taking place at the time.**  
 21 **So these are all improvements that enable us to work**  
 22 **as a larger agency. It enables us to work --**  
 23 Q. Can I just pause you there, please, Mr Niven. Just bear  
 24 with me for one moment.  
 25 Chair, can I just raise at this stage that there is

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1 an issue that's potentially arisen and ask you to  
 2 terminate the live feed and that there is no  
 3 communication of the evidence that has been given in the  
 4 last three minutes.  
 5 THE CHAIR: Yes, I will terminate.  
 6 MS CAREY: We will just have to take a pause in relation to  
 7 proceedings.  
 8 Chair, thank you for that. I'm sorry about the  
 9 interruption. There is no need for any further action  
 10 to be taken in relation to that.  
 11 Sorry, Mr Niven, I think I interrupted you in  
 12 relation to what you were saying were the perceived  
 13 benefits of incorporation by NCA-CEOP into the NCA?  
 14 **A. Yes. You know, this also has enabled us to have a 24/7**  
 15 **emergency response as well. We have a control centre**  
 16 **based up in the north of England. That same hub enables**  
 17 **us to house additional members of staff.**  
 18 **We have, since now, recruited another 174 members of**  
 19 **staff that are working across CEOP towards this threat.**  
 20 **That also has enabled us to develop our work with**  
 21 **partners, so we have a number of partners that work for**  
 22 **us on a pro bono basis. These are members of staff from**  
 23 **the NSPCC, seven members of staff that work for us,**  
 24 **staff in Border Force, BAE Systems, Visa. So we have**  
 25 **become a much stronger unit as CEOP, but we are even**

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1 **stronger by being part of the National Crime Agency.**  
 2 Q. Do you think there are any disadvantages to being part  
 3 of the National Crime Agency?  
 4 **A. No, I can't see that there are, because I have -- in my**  
 5 **experience with the CEOP and the National Crime Agency,**  
 6 **it has only been of benefit because, when we have had**  
 7 **times when we have required additional staff and support**  
 8 **and the expertise, then I have been able to draw on**  
 9 **that, and those resources have been made available.**  
 10 Q. That brings me on to the topic of funding. Perhaps we  
 11 can just look at that and that will be a convenient  
 12 moment for the day.  
 13 Can I ask you, please, about the financial  
 14 resourcing of CEOP. The panel are aware that in 2014,  
 15 following the Summit by the then Prime Minister  
 16 Mr Cameron, he announced there would be £10 million  
 17 worth of additional funding provided to NCA-CEOP?  
 18 **A. Yes, that is correct.**  
 19 Q. I would like just to look, please, at your budget, which  
 20 I think is dealt with at your paragraph 66. Is this the  
 21 position, that for 2017 into 2018, for that financial  
 22 year, the CEOP budget amounts to some £14.61 million?  
 23 **A. Yes, that is correct.**  
 24 Q. Now, it is fair to note that there is additional funding  
 25 made available to undertake specific projects and

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1 programmes?  
 2 **A. Yes, that's true, £1.8 million has been taken out of**  
 3 **that budget for IT and additional staff working**  
 4 **elsewhere across the agency.**  
 5 Q. The overall NCA budget is I think summarised in an  
 6 exhibit. Can we call up, please, NCA000220. Chair, it  
 7 is behind tab 10. It is at page 19. This page comes  
 8 from the National Crime Agency annual plan for 2017 into  
 9 2018. If one looks there at the overall figure, there  
 10 is what's called a resource departmental expenditure  
 11 limit. What is that in simple terms?  
 12 **A. That is -- as I understand it, that is where we can make**  
 13 **capital payments which don't require ongoing financial**  
 14 **support. So they would be to purchase one-off**  
 15 **purchases, whereas the other resource is in relation to**  
 16 **continuing expenditure.**  
 17 Q. It amounts, though, to some £436.9 million as the  
 18 overall NCA budget for this financial year?  
 19 **A. That is true.**  
 20 Q. So when one contrasts that figure of £436 million-odd  
 21 with the £14.61 million that comes to NCA-CEOP, there is  
 22 a vast distinction between the overall budget and the  
 23 budget that comes to NCA-CEOP?  
 24 **A. Yes.**  
 25 Q. One might take the view that, actually, the CEOP budget

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1 is relatively small in comparison with the overall NCA  
 2 budget. One doesn't want to be overly simplistic about  
 3 it, but on any analysis of those figures, the CEOP  
 4 budget is a fraction of the overall budget?  
 5 **A. Yes.**  
 6 Q. Why is it such a relatively small amount when looking at  
 7 the global figures available to NCA?  
 8 **A. Just to start with the £14.61 million, as I said,**  
 9 **1.8 million has been taken out of that already for**  
 10 **employing support staff outside of CEOP, which takes it**  
 11 **to 16.41 million, if my records are correct. I think it**  
 12 **goes back to the benefits of being part of the agency,**  
 13 **because there are a number of services and supports that**  
 14 **are provided to CEOP from the wider agency, which aren't**  
 15 **paid for or captured out of the CEOP budget. So when we**  
 16 **look at our technical support for some of our**  
 17 **investigations, that support is provided from the wider**  
 18 **agency. Equally, when we look at areas such as HR and**  
 19 **estates and admin support, because we have grown as**  
 20 **a team, those aren't captured in that budget either.**  
 21 **So there is a significant amount of support from the**  
 22 **NCA that enables CEOP to operate the way that it**  
 23 **actually does, but that's not captured in the individual**  
 24 **budget that's allocated to the teams themselves because**  
 25 **most of that is about salary.**

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<p>1 Q. Who is responsible for effectively asking for a certain 2 amount of money to go towards CEOP out of the overall 3 budget? 4 <b>A. Well, that's in the budget planning, and that's very 5 much based on the threat and the risk. So these budgets 6 can change, you know, depending on what that threat and 7 risk is. That would then be decided and then the budget 8 would be allocated to the director so that that director 9 can spend the funding accordingly. That's reviewed on 10 a regular basis about how that spending takes place.</b> 11 Q. So, in essence, there are competing arguments between 12 the respective departments, between CEOP, for example, 13 those investigating cyber crime or whatever other crime 14 it is that the NCA is investigating, there will be 15 a tension between those respective departments asking 16 for funding? 17 <b>A. It is based on threat, harm and risk, and CEOP is 18 a priority for the agency. Therefore, the budget is 19 allocated accordingly. But if we require additional 20 resource, then we are not in the position where we can't 21 get that resource. We would go and we would bid through 22 our tasking process and those resources would be made 23 available.</b> 24 <b>For example, I think the previous witness mentioned 25 an operation that took place in November of last year</b></p> <p style="text-align: center;">Page 61</p>	<p>1 the work of NCA-CEOP? 2 <b>A. It was anticipated that this funding would come to an 3 end. It wasn't to be part of the ongoing budget. It 4 enabled us to increase, as I say, by 174 members of 5 staff, open a new office in the north of England and 6 provide much more resource into IT and support and 7 victim identification as well, amongst other things. 8 They are long-term investments that is now part of 9 normal business for CEOP. So in anticipation of that 10 budget not being renewed, the business planning has 11 incorporated that funding within the NCA funding. So we 12 will not see a reduction in the resources that we have. 13 They will be absorbed in the wider budget.</b> 14 Q. Can I then just ask you about your paragraph 40 in your 15 statement that ends NCA000230. It is behind tab 2 in 16 your bundle, chair. I think in fact it is the second 17 statement that you made. Paragraph 40. 18 <b>A. Yes.</b> 19 Q. You refer within that paragraph to the scale and demand 20 and the evolving threats that are faced by NCA-CEOP, and 21 you say this: 22 "In this context, law enforcement already requires 23 more resource, given the present level of demand, based 24 on the current model of response." 25 You go on to look at the various risks which we will</p> <p style="text-align: center;">Page 63</p>
<p>1 <b>where 192 people were arrested in a week. Well, 2 resources to enable that operation to take place were 3 drawn from the wider agency. Now, they are not costed 4 in our budget, but they are available to us, as are the 5 resources of national policing as well, who also 6 supported that operation.</b> 7 <b>So it's an individual budget to be managed to pay 8 for the members of staff that work within CEOP, but 9 actually it doesn't reflect the picture of 10 the investment that's actually provided by the 11 organisation.</b> 12 Q. I was going to ask you about that, because when you say, 13 of course, that CSEA is a priority for the NCA, one 14 might take the view, well, it is not much of a priority 15 if it is actually only being afforded 14.6 million per 16 annum. I think the point you make of course is that it 17 shouldn't be looked at in isolation? 18 <b>A. Yes.</b> 19 Q. I understand that. Just finally before we close this 20 afternoon's evidence, in relation to the £10 million 21 funding that was announced in 2014, is it right that 22 that funding expires at the end of this financial year? 23 <b>A. Yes, that is correct.</b> 24 Q. I would like to know, please, what are the plans for the 25 expiration of that funding and how that might impact on</p> <p style="text-align: center;">Page 62</p>	<p>1 do tomorrow. But, in essence, there, Mr Niven, is there 2 an acknowledgement that in fact NCA-CEOP does and will 3 continue to require more funding? 4 <b>A. Yes, that's absolutely correct. The more that we 5 discover around the risk and the more areas that we 6 start to investigate, then more resource would 7 inevitably follow. But I think there are some 8 opportunities potentially to reduce the demand, but this 9 is a broad look at how we go forward in our planning for 10 the future.</b> 11 Q. Assuming that there isn't a blank chequebook provided to 12 NCA-CEOP, is there any assessment or estimate of how 13 much additional resourcing would be required to meet the 14 current threat? 15 <b>A. There's ongoing work in relation to that to try and 16 estimate what the future may require. At the moment, we 17 are going forward with the budget that we currently 18 have. We are continuously assessing that. When we need 19 to draw on more resource, then we have done so. But 20 that business planning process is still ongoing as 21 I understand and, you know, I will understand more about 22 that position in the future.</b> 23 Q. You won't commit, understandably, to a figure, as 24 I suspect it would be -- 25 <b>A. Unfortunately, I'm unable to do so at this stage because</b></p> <p style="text-align: center;">Page 64</p>



1 **business planning is a process that is very dynamic, it**  
 2 **is ongoing and it is taking place, as I understand, now.**  
 3 **But we base our budgets on threat, harm and risk. We**  
 4 **have contingencies in place for that. But if the**  
 5 **outcome is that we require more budget, then we will**  
 6 **make that known, that that's what we require, as we have**  
 7 **done in the past.**  
 8 MS CAREY: Chair, I am going to move on to deal with the  
 9 pursue element of the pillars of threat and a different  
 10 topic. I wonder if that may be best left until tomorrow  
 11 morning?  
 12 THE CHAIR: Thank you, Ms Carey. I have a question and the  
 13 others may also.  
 14 Questions by THE PANEL  
 15 THE CHAIR: With regard to the funding issue, how often have  
 16 you made demands of the NCA that your base budget be  
 17 increased?  
 18 **A. In the period of time that I have actually been here,**  
 19 **when I have needed additional resources, I have actually**  
 20 **gone through the process, the tasking process for that**  
 21 **and utilised those additional resources. I haven't**  
 22 **actually requested additional money in terms of**  
 23 **financial budgets. But it has been when a resource**  
 24 **requirement has been, then I have made those**  
 25 **representations.**

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1 THE CHAIR: Isn't there a resource requirement, an unmet  
 2 need, if you like, that continues from year to year,  
 3 given everything we have heard about --  
 4 **A. Yes, there is, and we have surged. So, for example, the**  
 5 **increase in referrals, we have surged staff into the**  
 6 **referrals bureau from the wider agency as well. We have**  
 7 **allocated more individuals to work within that region**  
 8 **where the demand has seen significant, you know,**  
 9 **increases. So we have put extra resource in there and**  
 10 **we have looked at ways in which we can reduce that**  
 11 **demand by allocating some of the cases in a much quicker**  
 12 **way and using more IT. But the transformation -- sorry.**  
 13 THE CHAIR: That doesn't seem to address the issue of  
 14 whether the base budget is sufficient or at least  
 15 increasing.  
 16 **A. Well, it's -- I haven't requested additional budget.**  
 17 **The operational planning, the budget planning, at the**  
 18 **moment, the transformation in the organisation, is an**  
 19 **ongoing process and that's all being looked at. So it**  
 20 **is not something in the last ten months that I have been**  
 21 **involved in. But when I have seen where extra resource**  
 22 **is required, that's been provided for me.**  
 23 THE CHAIR: Do you think your core funding is adequate?  
 24 **A. I think there could always be more. I think there could**  
 25 **always be more. But at this point in time, that's what**

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1 **we've been provided and we have worked within that**  
 2 **budget.**  
 3 THE CHAIR: Is it proportional to the total budget of  
 4 the NCA in regard to demand and need?  
 5 **A. Well, the services that are required for CEOP to operate**  
 6 **are of high demand. So, for example, the technical**  
 7 **investigations that are required. We benefit**  
 8 **significantly from the resources that are paid for out**  
 9 **of other budgets that provide us with that level of**  
 10 **support.**  
 11 THE CHAIR: I did hear that comment. I understand what you  
 12 are saying. But do you think it is proportionate to the  
 13 work of CEOP?  
 14 **A. I think potentially we could take, as any other**  
 15 **organisation or unit would -- there would be more**  
 16 **resource, if more resource was available. Then I would**  
 17 **welcome it with open arms and I would use it responsibly**  
 18 **and accordingly. So if there was more budget available,**  
 19 **then yes, that would be of benefit to me. But at the**  
 20 **moment, I work within the constraints of what I have.**  
 21 THE CHAIR: That's not quite an answer to my question, but  
 22 I will leave it at that. Thank you, Ms Carey.  
 23 MS SHARPLING: Can you just clarify for me -- you may know  
 24 this, you may not -- the source of your funding, is it  
 25 a direct government grant or does it come from a portion

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1 of the funding provided to forces?  
 2 **A. I think it's a direct grant, but I'm not sure. I would**  
 3 **have to check.**  
 4 MS SHARPLING: That would be helpful, thank you.  
 5 MS CAREY: Perhaps Mr Niven could do that either overnight  
 6 or later?  
 7 **A. Yes.**  
 8 MS CAREY: Any other questions, chair?  
 9 MR FRANK: Is he coming back tomorrow, because I have  
 10 a question?  
 11 MS CAREY: Yes, Mr Niven is coming back tomorrow and will  
 12 continue his evidence.  
 13 THE CHAIR: Thank you very much, Ms Carey. We will adjourn  
 14 now until tomorrow.  
 15 (4.15 pm)  
 16 (The hearing was adjourned to  
 17 Wednesday, 24 January 2018 at 10.30 am)  
 18  
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