Statement made on behalf of: The Director General of the National Crime Agency

Witness: Robert Jones

Date statement made: 3 October 2018

IN THE MATTER OF: INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE – PROTECTION OF CHILDREN OUTSIDE THE UK INVESTIGATION.

Witness: Robert Jones

Occupation: T/Director Vulnerabilities Command, National Crime Agency

Address: National Crime Agency, Units 1-6 Citadel Place, Tinworth Street, London SE11 5EF

1. I am currently the temporary Director for the Vulnerabilities Command of the National Crime Agency, which includes the Child Exploitation and Online Protection centre (CEOP). I have 30 years’ experience in a variety of criminal investigation and intelligence collection roles tackling serious organised crime. I joined the NCA in 2013 as the Head of Operations for Border Investigations in the NCA Border Policing Command. In December 2017 I became Deputy Director of CEOP, before taking up the role of temporary Director Vulnerabilities in September 2018. I make this statement in response to the Independent Inquiry into Child Sexual Abuse (IICSA) Protection of Children Outside the UK Investigation Rule 9 request to the National Crime Agency (NCA), dated 25 April 2018.
2. In preparing this statement, I have had regard to the NCA Director General's commitment to provide full assistance to the Inquiry. I have ensured that the NCA has taken all reasonably practicable steps to identify and provide all material that may be of relevance to the questions asked, in the form of an explanatory narrative, supported by relevant exhibits. The material provided reflects that the NCA:

a) Has as one of its Commands the Child Exploitation and Online Protection Centre (CEOP), which leads the UK’s response to tackling child sexual exploitation and abuse (CSEA);

b) Is the national lead for reducing the threat from Transnational Child Sex Offenders (TCSOs); and

c) Hosts the UK International Crime Bureau (UKICB), which facilitates enquiries with international law enforcement and the progression of investigations abroad for all of UK law enforcement, including via Interpol and Europol.

3. In order to best assist the Inquiry, and to satisfy as fully as possible the substantive questions within the Rule 9 request, we have also sought to provide wider strategic context within our statement, structured under the following broad headings:

a) The role of the National Crime Agency in tackling CSEA;

b) The NCA’s response to the threat posed by Transnational Child Sex Offending;

c) The NCA’s use of Civil Orders in respect of CSEA;

d) Opportunities for developing the response against TCSOs.

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1 Transnational Child Sex Offenders comprise of both registered sex offenders and non-registered sex offenders (UK and foreign nationals) who are known to or suspected of travel to, or from, other countries for the purposes of targeting and sexually abusing children.
Role of the National Crime Agency in Tackling Child Sexual Exploitation and Abuse (CSEA)

4. The Serious Organised Crime Agency (SOCA) was established in April 2006. The Child Exploitation and Online Protection Centre (CEOP) was formed at the same time. Although integral to SOCA, CEOP largely functioned independently through an affiliated status to SOCA, and the legislative powers afforded by the Serious Organised Crime and Police Act 2005. The establishment and provision for the National Crime Agency came from the Crime and Courts Act 2013 (CCA), which also saw SOCA abolished. CEOP was incorporated into the NCA in October 2013. The origins and development of CEOP have been addressed in detail in evidence provided to the Inquiry by the NCA towards the Internet strand of its investigation, and are not repeated here.

5. The NCA is a non-ministerial department. The Director General of the NCA is appointed by, and directly accountable to the Home Secretary and, through the Home Secretary, to Parliament. I produce Exhibit RJ1, the NCA Annual Plan for 2018-19. Page 7 of the plan states that within the context of the Government’s Strategy, the agency sits at the apex of the response to serious and organised crime, and sets the national operational agenda for the response. The agency leads operations, provides support to others (locally, regionally, nationally and internationally) and coordinates activity to ensure an efficient and effective law enforcement response, prioritised against the most serious threats and vulnerabilities.
6. I produce Exhibit RJ2, National Strategic Assessment of Serious and Organised Crime (NSA) for 2018. The NSA includes, on pages 26 to 29, an assessment of the threat from CSEA.

7. The bi-annual National Strategic Tasking and Coordination Group (NSTCG), which is chaired by the DG NCA and attended by the NCA Directors (including for CEOP) and senior law enforcement representatives, allocates threats to multi-agency Strategic Governance Groups, and agrees the NSA and National Control Strategy (NCS). As outlined in the NCA Annual Plan 2018-19, CSEA is a high priority for response. The fight against CSEA is accorded the highest level of priority by the NCA.

8. The CSEA Strategic Governance Group (SGG), chaired by NCA Director Vulnerabilities, is responsible for the legal duty of ensuring that efficient and effective activities to combat the threat are undertaken by the NCA and its partners. The SGG addresses key issues and leads, supports and co-ordinates activity to reduce the CSEA threat through the following:

   a) To commission an annual Threat Assessment, which informs and prioritises activity to areas of greatest threat, harm, and risk to children, to inform the National Strategic Assessment and National Intelligence Requirement;

   b) To provide the oversight and direction for activities of the Threat Groups (outlined below at paragraph 10);

   c) To provide oversight, direction, and accountability for performance measurement against the Strategic Action Plan (SAP), which captures and prioritises multi agency activity against the threats;
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d) To deconflict activities, to prevent duplication of effort, and to ensure appropriate governance is in place for all activity. To identify emerging issues, trends, or cross cutting threats of national importance.

9. Supported by 'Threat Groups', the SGG ensures: delivery across the 4Ps (Pursue, Prevent, Protect and Prepare) of the Serious and Organised Crime Strategy; against the NSA sub threats of Online CSE, Contact Child Sexual Abuse, and TCSOs; and against the SAP. SGG membership includes: Association of Directors of Children's Services; Association of Independent Local Safeguarding Children Board Chairs; Children's Commissioner (England) – Representative for all four UK Commissioners; College of Policing; Crown Prosecution Service; Home Office; Internet Watch Foundation; NCA-CEOP / National Intelligence Hub; National Society for the Prevention of Cruelty to Children; Police Service of Scotland; Police Service of Northern Ireland; and the Chairs of Threat Groups (which includes the National Police Chiefs' Council (NPCC) Lead for Child Protection).

10. The Threat Groups which support the SGG are:

i. Online CSE Pursue – Chair: Chief Constable Simon Bailey (NPCC Lead)

ii. Online CSE Prevent – Chair: Chief Constable Simon Bailey (NPCC Lead)

iii. Online CSE Protect & Prepare – Chair: NCA-CEOP Head of Safeguarding

iv. Child Protection and Abuse Investigation (Contact Abuse) – Chair: Chief Constable Simon Bailey (NPCC Lead)

v. Transnational Child Sex Offenders – Chair: NCA-Investigations Command Head of CEOP Operations. This also links in with the NPCC Management of Sex Offenders and Violent Offenders (MoSOVO) group.
11. Each Threat Group owns its own SAP actions, drives delivery of those actions, and reports on progress to the SGG; including escalating any issues for consideration at the SGG. NCA-CEOP is engaged in the SGG and each of the Threat Groups.

12. The NCA has voluntary and directed tasking powers under Section 5 of the Crime and Courts Act (CCA). The CCA provides for two-way voluntary tasking and assistance arrangements between the NCA, UK law enforcement partners, and Island partners\(^2\), in addition to any other form of cooperation arrangement that the NCA may formulate with UK law enforcement partners, HM Armed Forces, and HM Coastguard. Section 5 and paragraphs 2 (co-operation), 8 and 9 (voluntary assistance), Schedule 3 to the CCA refer.

13. In early 2015 the then DG NCA, Keith Bristow, was not satisfied that there was sufficient activity to assure him (under his statutory remit) that there was evidence of a fully effective and efficient response to the online CSE threat. Accordingly, for the first time, on 26 February 2015 he utilised s5(1) Crime and Courts Act ‘voluntary’ tasking powers to task Sir Jon Murphy, Chair of the then NPCC Crime Business Area, to produce a plan to address this.

14. As a result, in April 2015, NPCC agreed with the NCA a framework for the online CSE Pursue response, setting out clear organisational roles and responsibilities at a local, regional and national level against six pillars of threat/demand (18 Box Grid (Exhibit RJ3)). The six pillars of threat or demand are:

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\(^2\) The States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary
i. Sharing of Indecent Images of Children (IIOC);
ii. Volume referrals;
iii. Victim Identification (VID);
iv. Live Streaming of CSE;
v. Grooming and Blackmail/Extortion;
vi. Complex and niche online transnational (specialist) investigations.

15. Through increased, concerted action against the online CSEA threat under this framework, at the end of March 2018, coordinated law enforcement activity was resulting in around 400 arrests and over 500 children being safeguarded each month, compared with 417 arrests in response to CEOP disseminations in the financial year of 2009/10.

16. In respect of NCA led and coordinated operational activity alone, 742 individuals were charged with CSEA offences in the four years ending March 2018. As at 13 June 2018, 535 of these individuals had so far gone before the courts, with 526 being convicted and 9 acquitted. On conviction, almost all of these individuals\(^3\) will have become Registered Sex Offenders (RSOs).

17. More broadly, CPS data\(^4\) identifies that in 2016, 3,633 persons were proceeded against for IIOC offences by UK policing, of whom 96% (n. 3,491) were convicted.  

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\(^3\) Not all offences for which individuals are convicted will be qualifying offences under Schedule 3 of the Sexual Offences Act 2003 for placement on the sex offenders' register. For example, an extreme pornography offence where the sentence is under two years imprisonment is not a qualifying offence.

\(^4\) This data is available at:  
This increased level of arrests has also led to a notable increase in the number of RSOs who will have conditions attached to their conduct and activity.

18. I produce Exhibit RJ4, the Multi-Agency Public Protection Arrangements Annual Report 2016/17, Ministry of Justice Statistics Bulletin, which demonstrates, at page 7, the overall increase in Registered Sex Offenders from 37,225 in 2010/11 to 55,236 in 2016/17. Management of RSOs, including monitoring of adherence to any civil orders imposed by a court, including where the NCA has applied for them, is undertaken by Offender Management/Public Protection Units in the police force local to where the offender resides.

The NCA’s Role in responding to the threat from TCSOs

19. Within the response to online CSE against the six pillars of threat described at paragraph 14 of this statement, activity against TCSOs falls under Pillar Six: Complex, International and Specialist.

20. Prior to the development of the national framework for the online CSE Pursue response (the 18 Box Grid), and the announcement of the provision of significant funding to NCA-CEOP in 2014, which enabled it to develop an investigative capability dedicated to tackling CSEA, CEOP’s (and subsequently on the inception of the NCA in October 2013, NCA-CEOP Command’s) primary role within the law enforcement system in relation to the management of TCSOs was the provision of

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5 At the 'WeProtect' global summit to tackle CSEA in December 2014, then Prime Minister David Cameron announced the provision of £10m of funding to NCA-CEOP, which has enabled it to transform significantly; there were c.120 posts in CEOP before it became part of the NCA in October 2013, and there are now over 300 posts dedicated to tackling CSEA, with other NCA resources able to flex to support the tackling of the threat from across the agency.
support to police forces. This comprised of the development and dissemination of intelligence to inform of and where possible disrupt or manage the risk posed by TCSOs' travel abroad, or of their entry to the UK.

21. The NCA now leads the national response to threats falling under pillar six of the 18 Box Grid, where they are beyond the capabilities of a force or its region, have cross border dynamics, and are at the high end of high risk.

22. In relation to TCSOs, the NCA leads on the investigation of UK nationals or individuals with a claim to UK residency, who are permanently or predominantly based abroad and who have a limited UK footprint, who are suspected of having committed CSEA offences outside of the UK. Examples of the measures employed regarding TCSOs, and NCA-led operations and results, are described in the following section of this statement.

23. The NCA also assists law enforcement partners in the management of TCSOs falling into the following categories:

   a) UK nationals arrested / convicted of CSEA offences abroad. The NCA seeks to locate these offenders, where ACRO, the National Police Chief's Council Criminal Records Office is unable to, after their release from prison. If located in the UK by the NCA, ACRO will ensure the relevant local police force applies for a Notification Order to place the individual on the sex offenders register. If located abroad, the NCA or its partners share intelligence with authorities in the relevant country for child protection purposes;
b) Non-UK nationals convicted of CSEA offences entering, or seeking to enter, the UK. Through the UK International Crime Bureau (see paragraph 30), the NCA provides a national function to share intelligence with the relevant police force and Border Force. If the non-UK nationals enter the UK, they will be brought under police management and oversight;

c) Missing Registered Sex Offenders (RSOs). The NCA provides advice to police Public Protection Units (PPUs, responsible for managing RSOs) on checks and research they can undertake to help them to locate the highest risk RSOs whose whereabouts are unknown.

24. The NCA also engages internally and externally on projects, strategic assessments and research on: the TCSO threat; destination countries and legislation; and international CSEA issues. Internally, this takes the form of collaboration between NCA-CEOP, National Intelligence Hub, National Assessments Centre, Tracker Team, International and Fugitives Units. The NCA is also represented on the NPCC's MOSOVO Group and on the NCA TCSO Strategic Sub Group, and works collaboratively with key partners including NPCC, Crown Prosecution Service, ACRO, Home Office, Border Force and the Foreign and Commonwealth Office.
The NCA’s Response to Transnational Child Sex Offending

25. The strategic approach adopted by UK law enforcement to UK Transnational Child Sex Offending is to prevent offending from occurring in the first place through the proactive exchange of information on offenders and suspected offenders, and by building capacity in countries targeted by UK TCSOs. In addition, the NCA leads robust pursue activity using its extraterritorial capabilities.

NCA National Functions to Facilitate Law Enforcement Enquiries Abroad

26. The NCA provides the following national functions which assist both the NCA and wider UK law enforcement in the monitoring and management of TCSOs, including RSOs, in relation to their travel abroad. Our ability to do this could be affected by the UK’s departure from the European Union, for example in relation to SIS II and Europol. The UK Government is seeking to maintain these operational capabilities through negotiations. The NCA and its partners are also undertaking contingency planning regarding all eventualities, and how we would narrow any capability gaps that may arise.

European Union Agency for Law Enforcement Cooperation (EUROPOL)

27. UK law enforcement’s Europol engagement is managed by the NCA through the Europol National Unit (ENU) based in the UK International Crime Bureau (UKICB), described at paragraph 30, and the UK Liaison Bureau (UKLB) based at Europol Headquarters in the Netherlands. The UKLB is a multi-agency unit resourced by officers from the NCA, Immigration Enforcement, Her Majesty’s Revenue and Customs, and UK Policing.
28. The UKLB and ENU support UK law enforcement, including the NCA, in the exchange of information relating to online CSEA investigations with Europol and partners in other Member States.

29. Europol also operates an Analysis Project (AP) relating to online CSEA. The AP is made up of specialist analysts, and is a means by which Europol provides operational support to ongoing investigations being carried out in Member States including the UK. For example, the AP for CSEA holds a database of CSEA intelligence which the NCA can use to further develop its own intelligence on TCSOs.

**UK International Crime Bureau (UKICB)**

30. The NCA UK International Crime Bureau (UKICB) is the conduit between all UK law enforcement agencies, including Public Protection Units based in UK police forces, who manage registered sex offenders, and the rest of the world via both the INTERPOL and SIRENE⁶ networks. Via the UKICB, the UK has a global capability to react rapidly to child vulnerability to help ensure TCSO and travelling registered sex offender (TRSO) movement is communicated, and that potentially harmful individuals are disrupted, and where possible prevented from entering a jurisdiction where they may cause harm to communities.

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⁶ Supplementary Information Request at the National Entries – a means for law enforcement to share certain information promptly with each other.
31. Actions can range from simple ‘safe and well checks’\textsuperscript{7}, interdiction, and removal of children from danger, to the tracking of suspects using a range of capabilities including Interpol Green Notices (described from paragraph 49 below) and Article 36(2) SIRENE alerts (described at paragraphs 38 to 41 below).

32. The way in which TCSOs’ travel is managed by UKICB is determined by whether the travel is to Schengen countries (described at paragraphs 33 to 41) or non-Schengen countries (described at paragraphs 42 to 46).

**Travel to Schengen Countries: Schengen Information System (SIS II)**

33. The Schengen Convention came into effect in 1995. It abolished the internal borders of the signatory states\textsuperscript{8} and created a single external border around what is now known as the Schengen Area. The Schengen Information System (SIS) was set up to aid cooperation between countries’ law enforcement and judicial authorities, reflecting the increased freedom of movement within this area. SIS is an EU-wide IT system that enables Member States to share real-time information with law enforcement partners on persons and objects of interest via a series of ‘alerts’. In the UK, these alerts are available to law enforcement officers through the Police National Computer (PNC). A second generation system, SIS II, replaced SIS in 2013.

34. Based within UKICB, the UK SIRENE Bureau is part of a network of bureaux supporting SIS II, and is responsible for the exchange of supplementary information

\textsuperscript{7} A check undertaken by a police force to establish the welfare and safety of a child.

\textsuperscript{8} Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland.
on alerts, and facilitates the taking of appropriate action where wanted persons or objects are found as the result of a hit on the system.

Use of SIS II Markers and Alerts

35. SIS II contains categories of alerts that are entered by each of the Member States as required for the purposes laid down in Articles 26, 32, 34, 36 and 38 of the SIS II Decision\(^9\) and Article 24 of the SIS II Regulation. In SIS II, an alert represents a dataset entered into the system that allows competent authorities to identify an object\(^{10}\) or a person regarding whom an alert has been created, with a view to taking specific action. The key alerts for monitoring TCSO travel are Article 36(2) alerts for checks on persons, as described from paragraph 38 below.

36. Alerts on persons can be issued for the purposes of identifying the following people:
   a) Persons subject to arrest for surrender or extradition;
   b) Third country nationals to be refused entry into, or stay within, the Schengen area;
   c) Missing persons (adults and minors);
   d) Persons to assist with a judicial procedure;

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\(^9\) Article 26: Alerts for persons wanted for arrest for extradition purposes, for whom a warrant has been issued. Article 32: Alerts for missing persons who need to be placed under police protection or in a place of safety, including minors and adults not at risk. Article 34: Alerts for witnesses, absconders, or subjects of criminal judgements to appear before the judicial authorities. Article 36: Alerts relating to people or vehicles requiring specific checks or discreet surveillance. Article 38: Alerts relating to objects that are misappropriated, lost, stolen and which may be sought for the purposes of seizure or the use as evidence.

\(^{10}\) For example: vehicles; aircraft; banknotes; boats; boat engines; containers; firearms; industrial equipment; issued documents; vehicle licence plates; securities and means of payment; or vehicle registration documents.
e) Persons for discreet or specific checks

Number of Alerts in SIS II

37. On 31 December 2017, there were over 76.4 million alerts in SIS II, of which over 1.2 million were created by the UK. 896,791 alerts were in relation to persons, 129,983 of which required discreet or specific checks (Article 36 – including but not limited to 36(2) alerts, described directly below), 34,051 of which were circulated by the UK.

Use of Article 36(2) Schengen Alerts

38. As at 31 May 2018 the majority of the Article 36 alerts issued by the UK were issued for individuals on the Violent Sex Offenders Register (ViSOR) database. These alerts enable issuing Member States to request specific action, for example stop and question, or provision of information about the subject.

39. In respect of Article 36(2) alerts, when a hit is communicated from a Member State to the UK, a notification containing the details of the hit is automatically sent to the owning police force to take the necessary action. Often this serves as a confirmation to the force that the subject has indeed travelled, or it could indicate that a subject has travelled contrary to their sex offenders register or Sexual Harm Prevention Order, or other civil order stipulations. If the conditions have been broken, then the force can re-arrest the subject on their arrival back in the UK. The Home Office’s Watchlist and Information Control Unit (WICU) will indicate this re-entry into the UK to the Sex Offender Manager for the relevant police force.

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11 A check refers to an enquiry on a person of interest to law enforcement, suspected of committing or intending to commit a crime. A discreet check would be made without the person being made aware, while a specific check could include for example taking a copy of the subject's passport or driving licence.
40. Since SIS II went live in the UK in April 2015, UKICB has worked closely with UK police forces to promote the use of Article 36(2) alerts for discreet checks, which can be used to help manage sexual or violent offenders. I produce Exhibit RJ5, which is guidance issued to police forces on 23 October 2015 by the NPCC Lead for the Management of Sexual Offenders and Violent Offenders. This indicates in respect of SIS II Article 36 alerts, that they should be placed on all individuals on the ViSOR database, where they are required to notify foreign travel. The guidance states that the following categories of ViSOR nominals should be circulated on an Article 36(2) alert:

a) All ViSOR nominals who notify foreign travel;

b) All RSOs identified as travelling abroad through foreign travel notifications;

c) Other ViSOR nominals such as RSOs where there is intelligence that they have travelled abroad but did not comply with the notification requirements;

d) Other ViSOR nominals who are prohibited from travelling abroad, for example under a Sexual Harm Prevention Order (SHPO).

41. The guidance indicates that circulating alerts to Member States regarding Multi-Agency Public Protection Arrangements (MAPPA) category 2 and 3 offenders (Violent and Other Dangerous offenders) would be a decision for those undertaking the risk assessment, usually the Public Protection Unit, in consultation with relevant stakeholders. The action taken in relation to a VISOR nominal will depend on whether they are assessed as very high / high or medium / low risk.

12 For example, prison, probation or social services.
Travel to Non-Schengen Countries

Outbound Notifications

42. For notification of RSO travel outside of the Schengen Area, police forces provide the information and undertake a risk assessment of the appropriateness for dissemination to the country of travel, which requires authorisation at Inspector level. Country specific information is available from UKICB, NCA International department and the Foreign and Commonwealth Office to inform individual requirements for disseminating intelligence and requests.

43. During 2017, UKICB received 186 notifications from UK law enforcement concerning the intended travel of UK TRSOs. In total, 197 visits were planned to 54 different countries. The majority of visits were planned to countries in Europe and Asia.

44. UKICB utilises INTERPOL communication channels to notify receiving countries of the intended travel of UK TRSOs. Upon entry to another country, border officials are then able to make a decision on whether to allow the individual to proceed.

45. In several countries assessed as high risk in relation to TCSOs' travel to commit abuse, the NCA International department and International Liaison Officer (ILO) network have worked closely with local authorities in order to establish intelligence sharing agreements with the aim of achieving refused entry, arrest, detention and/or deportation from countries.

46. In conjunction with the NCA International desk for the relevant region of the world, UKICB provides police forces with advice to help inform their risk assessments, so to
help them determine whether an enquiry should proceed with the destination country. In some cases, due to human rights concerns, Her Majesty’s Government may require ministerial sign off in order to do so. Alternatively, the NCA’s ILO network may be able to utilise their contacts in country in order to more safely progress a particularly sensitive or complex matter.

Inbound Notifications

47. UKICB also receives notifications of foreign national sex offenders travelling into the UK. Whenever such a notification is received, UKICB alerts the NCA Tracker team, Border Force - National Intelligence Hub, and ACRO ViSOR of the anticipated arrival. During 2017, 192 notifications were received from international partners and cascaded to UK partners. As a result of the sharing of the information, 30 subjects were refused entry into the UK. The remaining 162 were either UK nationals or with UK residency, or individuals that Border Force will have assessed did not meet the criteria or risk thresholds for refusal of entry.

INTERPOL Notices

48. INTERPOL is the world’s largest international police organisation, with 192 member countries. Each member country maintains a National Central Bureau (NCB). The UK’s NCB, INTERPOL Manchester, is situated within UKICB. INTERPOL issue Notices to share critical crime-related information with member nations. Police can use Notices to law enforcement in other countries to alert of potential threats, or to request assistance in solving crimes.
49. INTERPOL Green Notices are used to provide warnings and intelligence to law enforcement partners regarding persons who have committed criminal offences and/or are assessed to be likely to repeat those crimes in other countries, and/or to be a threat to public safety, including to warn of the threat posed by a suspected or convicted sex offender when they travel abroad.

50. Green Notices are a worldwide international alert, which cannot be targeted to specific countries, and countries cannot be exempt from receiving the Notice. A Green Notice may be suitable for use if all location checks have returned negative, and the offender’s whereabouts remain unknown. It may also be suitable if the threat that the offender poses to the public is assessed to be so high that it is deemed proportionate to have a warning in place for all member countries.

51. Green Notices can alert countries of an inbound subject, and allow border officials to refuse entry. Non-UK Green Notice subjects are circulated on the UK Warnings Index, and are searchable by NCA officers. Once a Notice has been issued by the UK, it is published on the INTERPOL secure website, and is visible to all 192 member countries. To issue a Green Notice, a robust risk assessment must be included, which considers the potential risks that the offender could face on the basis of the information provided on the Notice, should they seek to enter a country considered high risk in relation to the protection of the human rights of potential offenders.
Numbers of Green Notices

52. As of July 2017, there were over 162,000 INTERPOL Notices or Diffusions (described below at paragraph 60) in circulation, including just under 11,000 Green Notices.

53. As of 1 May 2018, 99 UK Green Notices were in circulation, of which 93 warned of subjects who have committed sex offences, of which 83 warn of a history of child sex offences.

54. As of 1 May 2018, there were 74 Green Notices circulated by other INTERPOL bureaux in relation to UK nationals. In addition, there were 152 Green Notices circulated by other nations in which the UK is recorded as a country likely to be visited.

Promotion of Green Notices

55. There have been drives to encourage UK police forces to use Green Notices as a tool to manage RSOs considered at risk of committing offences in other countries. CEOP circulated a letter to forces in 2009 promoting their use in tracking child sex offenders likely to cross international borders. Through attendance at MOSOVO meetings and bilateral engagement with partners including ACRO, UKICB is also promoting the use of Green Notices as a means of monitoring and reducing the risk posed by sex offenders who travel abroad. UKICB also offers training to forces, and can facilitate their access to INTERPOL systems to exchange intelligence and information.
56. UKICB case officers also provide advice to police forces on when use of Green Notices may be appropriate - usually where there is travel to more than one country and the subject is considered to be at risk of reoffending, or has previously travelled in breach of the conditions of their order.

*Current Position*

57. The inability to restrict dissemination of Green Notices to jurisdictions that are high risk in relation to the protection of the human rights of offenders creates a case by case challenge in issuing them, which limits their use by UK police forces. Some forces have also faced legal challenge on their use by subjects of the Notice.

58. For these reasons, Green Notices are often issued as a last resort, in instances where the risk to the international community far outweighs the risk to the subject. In the majority of cases, the current method of managing travel either through SIRENE or targeted INTERPOL disseminations to other NCBs or via ILOs is considered by UK law enforcement to be more proportionate.

*Alternative Notices*

*INTERPOL Blue Notices*

59. Blue Notices, which like Green Notices are also issued to all member countries, are used as a locate tool for suspects and witnesses, usually when they are required for proceedings, or in advance of the issue of an International Arrest Warrant. These request the collection of additional information about a person's identity, location and activities in relation to a crime. Information requested may concern unidentified offenders or their criminal records, locating an identified or unidentified international
criminal, persons wanted for criminal offences and whose extradition may be requested, or identifying/locating someone related to a criminal matter (e.g. a witness, suspect or accomplice). They are discouraged as a first course of action, particularly if there is an idea of which country the subject may be residing in. A targeted dissemination is usually recommended in the first instance, as these are more likely to facilitate action and response from the destination country. It is policy that Blue Notices should be reviewed at least annually.

**INTERPOL Diffusions**

60. Diffusions are requests/alerts sent directly by an NCB and simultaneously recorded in INTERPOL’s databases. They are typically used by countries when:

   a) The country wishes to communicate the information immediately (i.e. without waiting for the publication of a notice);

   b) The country wishes to limit circulation of the information to only some recipients;

   c) The requirements for publication of a notice are not met, but there is no impediment for circulating the information. For example, if the penalty threshold for the publication of a Red Notice\(^\text{13}\) is not met (and assuming no other issue arises in the case), the request may be sent as a diffusion.

**NCA use of National Border Targeting Centre Functions**

61. The National Border Targeting Centre (NBTC) is a multi-agency 24/7 operations centre staffed by officers from the NCA, Police, Border Force, Immigration

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\(^{13}\) A Red Notice is issued to seek the provisional arrest of wanted persons with a view to extradition.
Enforcement and Her Majesty's Revenue and Customs. The NBTC receives air, maritime and rail data for passengers and crew entering or leaving the UK.

62. The NCA uses NBTC data to identify historical travel patterns, and to receive alerts regarding TCSOs' entry into and out of the UK, so to assist with the risk assessment, management and investigation of offenders or suspected offenders. There are various other means by which the NCA seeks to monitor the travel plans of sex offenders.

**Other Prevent Activity**

63. In addition to the measures described above, as part of the strategic approach to prevent UK TCSOs from travelling to vulnerable countries, an NCA project, in place since January 2016, provides fast time intelligence in relation to individuals on the UK sex offenders' register travelling to or residing in countries which, based on the current intelligence picture, are assessed to be high risk for child sexual abuse. Risk is assessed by reference to a range of factors, including whether an offender is already in breach of a civil order. Local law enforcement in the receiving country will review the intelligence provided by the NCA and make an independent decision on whether they wish to deny the individual entry to the country as a result. If they decide to refuse entry, the individual is stopped at passport control, denied entry, and a suitable flight back to their point of departure is arranged for them. Between 1 January 2016 and 2 June 2018, 41 individuals have been refused entry into countries assessed to be high risk for the sexual abuse of children through the making of such referrals.
64. In a joint initiative, NCA-CEOP and the ACRO Criminal Records Office have developed an International Child Protection Certificate (ICPC) to help protect children from UK child sex offenders seeking employment that would bring them into close contact with children. The scheme is promoted on NCA-CEOP and ACRO websites, and is open to organisations and individuals to apply. The certificate consists of 2 parts: Part 1, provided by ACRO, which outlines any known convictions, warnings and/or reprimands; and Part 2, which may include additional information or intelligence that NCA-CEOP has assessed to indicate that the prospective employee poses a potential risk to children. The certificate is provided back to the prospective employee. The onus is then on the employer to determine the suitability of the individual to be employed, based on the information provided on the certificate, and their wider risk assessment policies and processes. Individuals have a right of appeal in relation to information that has been disclosed on their certificate. From its inception in October 2012 to June 2018, NCA-CEOP and ACRO have processed 49,547 applications relating to 4,833 organisations in 122 countries.

**Collaboration with Law Enforcement to Enhance the Global Response to the CSEA Threat**

65. The NCA is involved in or leads on initiatives in partnership with law enforcement and other stakeholders based abroad, with the aim of enhancing the global response to the threat from CSEA.
International Capacity and Capability Building

66. NCA-CEOP builds the capacity and capability of law enforcement abroad to prevent and tackle CSEA. It does this through knowledge sharing, scoping, training, and mentoring where applicable. This is delivered by the NCA’s network of International Liaison Officers (ILOs), directly by other NCA officers, or by identified partners in priority countries. The NCA also works closely with key international non-governmental organisations who are delivering capacity and capability building support to law enforcement, to identify opportunities to inform their activity and to maximise its impact.

67. Sharing the NCA’s understanding of the threat types, providing training for law enforcement in tools and techniques to identify victims and offenders, and holding awareness raising events for child protection professionals has enhanced international cooperation in relation to CSEA investigations. It has also ensured that countries are now better equipped to carry out investigations and support victims. As part of the NCA, CEOP officers have an extensive worldwide reach through the NCA’s ILO network, as well as through partners such as Interpol, Europol, and its ‘five eyes’ law enforcement partners in Australia, Canada, New Zealand and the USA.

68. The level of support provided to each country varies from single events to more sustained support, for example over a two year period, such as a series of bespoke modular training events. Factors that determine the level of priority afforded to countries include: whether the country is an agreed priority across government; the country’s capability to tackle CSEA; and the NCA’s assessment of risk. For example,
more sustained capacity building has been provided to Kenya - assessed by NCA-CEOP as being a TCSO risk. Officers from the dedicated CSEA Unit within the Kenyan National Police have recently been focused on conducting live operational activity under the guidance of a NCA-CEOP Command operational mentor. The unit has worked closely with child protection partners on CSEA operations, leading to arrests of both Kenyan nationals and TCSOs, as demonstrated in the case of Keith MORRIS (paragraphs 84 to 94 refer). 

WePROTECT Global Alliance

69. The UK has driven the international response to online CSEA, including through setting up and supporting the WePROTECT initiative. In December 2014, the then Prime Minister David Cameron hosted a Global Summit, and spoke about measures to eradicate online child abuse, encouraging and securing the commitment and signature of 48 other countries to a Statement of Action to achieve the same. Through obtaining buy-in at a ministerial level, countries are encouraged to work alongside other key interlocutors to develop solutions to eradicate online CSEA. Coordinating governments, NGOs, law enforcement, industry and technology sector actors, WePROTECT sets out how real impact can be achieved.

70. In 2016, WePROTECT formally merged with the Global Alliance Against Child Sexual Abuse Online to create a single movement with unprecedented reach. The WePROTECT Global Alliance now has 84 countries, eight regional organisations, 20 technology and industry bodies, and 24 international civil society organisations under its banner. Connected to this, the UK Government has committed £50million over five years (2015-2020) to support the delivery of online CSEA capacity building
efforts internationally. This money has been provided to the Fund to End Violence Against Children, a UNICEF administered fund which provides catalytic finance to countries and international organisations to prevent online violence, with a particular focus on sexual exploitation.

71. The WePROTECT Global Alliance Secretariat sits within the Home Office. NCA-CEOP provides support to the Home Office in the form of subject matter expertise, to inform the development of WePROTECT initiatives and strategy. In 2015, the WePROTECT Model National Response (MNR) was launched. The MNR is a tool used to visualise the main capabilities that a country requires to enable a comprehensive national response to preventing and tackling CSEA, with a focus on online exploitation. The MNR is a self-assessment tool which enables a country to evaluate its current response to CSEA, so helping to prioritise national effort on filling any identified gaps. NCA-CEOP wrote the MNR and accompanying definitions document, which sets the international standard in assessing existing capability.

72. NCA-CEOP also provided significant contributions to the development of the first Global Threat Assessment of CSEA. Launched in 2018, this product aims to provide an increased understanding of the threat and how it is evolving internationally, both in terms of offender behaviour and victim safeguarding.

73. NCA-CEOP has directly supported the delivery of several capacity building projects abroad, funded by the Fund to End Violence Against Children. The NCA is also currently working closely with UNICEF to deliver a project to develop Namibian law enforcement's capability to tackle online CSEA.
Research into the TCSO Threat

74. In 2017, the NCA commissioned a 3 year PHD research project with Sheffield Hallam University to understand the threat from TCSOs, and to inform and improve offender targeting and crime disruption opportunities for the law enforcement community. The NCA has drafted an information sharing agreement with the university to enable the provision of appropriate information to inform this research.

Prosecution under Section 72 of the Sexual Offences Act 2003

75. In addition to activity to intervene before offending takes place, the NCA also leads on the investigation of individuals who are UK nationals or who have a claim to UK residency, who are permanently and predominantly based abroad, and who are suspected of having committed a CSEA offence abroad. In such instances, the NCA will investigate, and where possible and provable to an evidential standard, seek to prosecute them under section 72 of the Sexual Offences Act 2003; section 72 allows a UK national\textsuperscript{14} or a UK resident to be charged in the UK for child sex offences committed abroad, where they constitute an offence in the country where the act took place, and an offence in England and Wales. Schedule 2 to the Sexual Offences Act 2003 lists the offences in relation to England and Wales to which section 72 applies as follows:

a) An offence under any of sections 5 to 19, 25 and 26 and 47 to 50 of the Act;

b) An offence under any of sections 1 to 4, 30 to 41, and 61 where the victim of the offence was under 18 at the time of the offence;

\textsuperscript{14} "UK national" means an individual who is: (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen; (ii) a person who, under the British Nationality Act 1981, is a British subject; or (iii) a British protected person within the meaning of that Act.
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c) An offence under section 62 or 63 where the intended offence was an offence against a person under 18;

d) An offence under:

i. section 1 of the Protection of Children Act 1978 (indecent photographs of children); or

ii. section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child).

76. Prosecution under section 72 is complex and resource intensive, as it requires the ability to prove the offence to an evidential standard, often through interview of victims based abroad, who can be unwilling or feel unable to do so, for example due to fear of social stigma, or from being pressurised not to speak out. Such cases are often of the highest risk, and can involve the ongoing contact abuse of vulnerable children.

Case Studies: Use of Section 72 of the Sexual Offences Act

77. Examples of complex, high risk prosecutions undertaken by the NCA against such offenders include Operation THEREVA and Operation SHORAN.

78. **Operation THEREVA:** This operation concerned an investigation into Richard HUCKLE, aged 29, a UK National not previously known to UK law enforcement, who pleaded guilty to sexually abusing 22 children in Malaysia and one in Cambodia. His offending included taking images of the abuse, posting it online within the dark web network, and advertising the abuse material for sale in return for bitcoin online currency. HUCKLE travelled to, and lived in, Malaysia where he raped and sexually
assaulted children - preying on pre-pubescent vulnerable children from minority communities with whom he had ingratiated himself.

79. He outwardly presented as a legitimate student, photographer, and philanthropist when in fact he was a systematic abuser of children he, deceitfully, said he cared for. As he put it: "...impoverished kids are definitely much easier to seduce than middle class western kids..." "...my freedom relies on the hush mentality of the locals on this kind of thing."

80. HUCKLE was arrested on 19 December 2014 at Gatwick Airport. On 2 February 2015 he was charged with sample charges whilst the full particulars were considered: three of raping a girl under 13 years, and a charge of taking indecent photographs of a child. On 21 October 2015 the full indictment of 91 charges were brought against him: involving children aged between 0 and 13 years old who he sexually abused between 2006 and 2014. The charges included:
   a) Causing A Child Under 13 To Engage In Sexual Activity;
   b) Causing A Child Under 13 To Engage In Penetrative Sexual Activity;
   c) Sexual Assault Of A Child Under 13;
   d) Assault Of A Child Under 13 By Penetration;
   e) Rape Of A Child Under 13;
   f) Taking Indecent Photographs Of A Child;
   g) Advertising Indecent Photographs Of A Child.

81. A number of digital devices were seized from HUCKLE's hand luggage on his arrest at Gatwick Airport. On examination, some were found to contain child abuse material
- including the same indecent images of children that were uploaded to the Tor website. Over 20,000 indecent images of children have been recovered, over 1,000 of which are believed to have been first generation images\textsuperscript{15} taken by HUCKLE. These images and videos show offences including the rape of a 3 year old girl (in a Tor forum post he describes her as "a 3yo girl as loyal to me as my dog and nobody seemed to care") and the sexual assault of a baby, estimated to be 6 months old.

82. The 23 victims in this case were identified from analysis by the NCA Victim Identification team, and from written records of abuse found on one of the devices. When analysts were able to break through the encryption on HUCKLE’s laptop, a Microsoft Excel document with the title ‘ptsrecord’ was recovered in which HUCKLE ‘scores’ the number of child sexual offences he has committed. In a Tor forum post he calls this his ‘Pedo Scorecard’ and describes how there are 15 categories ("achievements") from "seeing genitalia" to receiving oral sex - affording 1 point per category, per victim. This spreadsheet records his score of 1,305 points in the year November 2013 to November 2014. HUCKLE wrote a 60 page paedophile manual titled “Paedophiles & Poverty: Child Lover Guide”, which contained detailed guidance on how to pick victims in poor communities, handle their family, groom them, avoid detection or incriminating evidence, and practical/technical advice on how to have sex with them.

83. In June 2016 HUCKLE was sentenced to 22 life sentences and ordered to serve a minimum of 25 years imprisonment.

\textsuperscript{15} Images of child sexual exploitation and abuse not previously known to law enforcement, which indicate that a new and potentially ongoing offence may be taking or have taken place.
84. **Operation SHORAN**: This operation was an investigation into allegations of rape and sexual offences committed by UK national Keith MORRIS against children in Mombasa, Kenya. MORRIS came to the attention of UK law enforcement following a report filed in the UK with the NCA Modern Slavery and Human Trafficking Unit in January 2017, by a former resident of the hotel at which MORRIS was staying at the time in Kenya. This individual reported his concerns with regards to MORRIS’ behaviour at the hotel, while in the company of a number of young local girls.

85. MORRIS had been visiting Kenya for a number of years, presenting himself as a philanthropist supporting the remote village and its residents, to such a degree that he held high respect and influence within the village.

86. NCA-CEOP officers worked with officers of the National Kenyan Police Service Child Protection Unit (CPU) in this investigation. Enquiries with the hotel at which Mr MORRIS was staying, and statements obtained by the CPU, confirmed his identity and his residence at the premises between 13 January and 13 February 2017 in two adjoining rooms, and his presence at the hotel with young Kenyan children on a regular basis, with one girl being of particular concern. Further enquiries by the CPU in respect of the identity of the children named on a “guardianship order” held by MORRIS subsequently led to the identification of the first victim.

87. This victim was interviewed in February 2017 by officers of the CPU and a written witness statement taken, in which she alleged that Mr MORRIS had raped her at the hotel in a bed in one of the adjoining rooms on an unspecified date. A forensic
medical examination of the victim took place the next day at a medical facility in Mombasa, and an initial report provided physical evidence to support the allegation.

88. On 16 February 2017 a search warrant was executed at Mr MORRIS' home address in the UK by NCA-CEOP officers. A total of 70 exhibits were seized, including a number of items of digital media storage. He was arrested on suspicion of the rape of a child under 16 years and interviewed. In parallel, further enquiries conducted by the CPU identified a second victim.

89. With the support of the Crown Prosecution Service (CPS), it was decided that MORRIS' activities in Kenya should be investigated under Section 72 of the Sexual Offences Act 2003, with a view to prosecuting him in the UK if evidence gathered passed the Full Code Test. The decision to do so was based on MORRIS' influence in the area, and Kenyan police abstractions due to national elections in Kenya. Accordingly, an International Letter of Request was sent to the Attorney General's office in Nairobi, seeking authorisation for NCA-CEOP officers to deploy to Kenya and to work alongside the CPU to gather such evidence in Kenya. This request was authorised by the Kenyan judicial authorities, and in July 2017, NCA-CEOP deployed officers to Mombasa.

90. The NCA secured evidence that following MORRIS' arrest for these offences, he had asked his victims to sign redaction statements stating that the abuse had not occurred, and transferred money to associates in Kenya in exchange for helping him to prove his innocence.
91. As a result of these enquiries, on 8 August 2017, MORRIS was re-arrested and re-interviewed about his activities in Kenya. On 9 November 2017, MORRIS was charged with: two counts of rape of a female under 16 years; two counts of sexual assault by penetration of a female aged 13 and over; two counts of sexual assault on a female under 16 years; and two counts of committing an act with intent to pervert the course of justice. He was remanded into custody awaiting trial.

92. NCA-CEOP officers further deployed to Kenya in December 2017, to conduct further enquiries alongside the Kenyan CPU, in accordance with the International Letter of Request. During this visit, a venue was identified for a video link in Mombasa, which would enable witnesses in Kenya to give live evidence to the court in Leeds.

93. The trial commenced on 30 April 2018 at Leeds Crown Court. MORRIS was charged with a further four counts prior to his trial: rape of a child; multiple rape; sexual assault by penetration; and a further offence of perverting the course of justice. Further authority was granted by the Attorney General's Office in Kenya for NCA-CEOP officers to work alongside CPU officers in Mombasa to run the remote video link, and to facilitate the transport of Kenyan witnesses to and from the location.

94. On 22 May 2018, MORRIS was found guilty in the UK of 9 sexual offences including rape of a child, sexual assault and three counts of attempting to pervert the course of justice; he will be sentenced on 17 July 2018.
The NCA's Use of Civil Orders in Respect of CSEA

Statistics related to the number of times the following orders have been made since 2003: a) Foreign Travel Orders; b) Risk of Sexual Harm Orders

Foreign Travel Orders
95. CEOP, SOCA and the NCA had no legal powers to apply for Foreign Travel Orders (FTOs), as the relevant legislation (section 114(1) Sexual Offences Act 2003) provided that they could only be granted by a magistrates' court on application by a "chief officer of police". Section 114(1) specifies that that an application for an order may be made by a chief officer "in respect of a person who resides in his police area or who the chief officer believes is in or is intending to come to his police area".

Risk of Sexual Harm Orders
96. CEOP, SOCA and the NCA also had no legal powers to apply for Risk of Sexual Harm Orders (RSHOs), as the relevant legislation (section 123 Sexual Offences Act 2003) provided that they could also only be granted by a magistrates' court on application by a "chief officer of police".

97. It was partly due to these limitations that the new legislation\(^{16}\) relating to Sexual Harm Prevention Orders (SHPOs) and Sexual Risk Orders (SROs) expressly set out a power for the NCA Director General to make applications for these orders, as well as chief officers of police. The material provisions came into force on 8 March 2015.

\(^{16}\) FTOs and RSHOs were abolished from 8 March 2015, when the Anti-Social Behaviour, Crime and Policing Act 2014 repealed s.114 of the Sexual Offences Act 2003 in relation to England and Wales, and introduced SHPOs and SROs as a replacement via sections 103A and 122A of the Sexual Offences Act.
Exhibit RJ10 (ACPO Review of Civil Orders, noted at paragraph 113) provides more
detail in relation to the limitations of FTOs and RSHOs. Under this new legislation, a
"chief officer of police or the Director General of the National Crime Agency" may
apply to a magistrates’ court for the relevant order.

Statistics related to the number of times the following orders have been made
since 2014: a) Sexual Harm Prevention Orders; b) Sexual Risk Orders

Sexual Harm Prevention Orders

98. From their introduction in March 2015 to 31 December 2017, 183 SHPOs have been
imposed as a result of applications by the NCA\textsuperscript{17}. The Northern Ireland General
Authorisation in May 2015 for NCA officers to exercise the powers and privileges of a
Northern Ireland constable, enabled the NCA to use these powers in Northern
Ireland, resulting in a further 27 Sexual Offences Prevention Orders (SOPOs – the
equivalent order in Northern Ireland) being imposed following application by the
NCA.

\begin{table}
\centering
\caption{Number of SHPOs and SOPOs imposed as a result of applications by the NCA, to 31 December 2017}
\begin{tabular}{|c|c|c|c|}
\hline
Year & Number of SHPOs & Number of SOPOs (Northern Ireland) & Total \\
\hline
2015 & 44 & 0 & 44 \\
2016 & 65 & 7 & 72 \\
2017 & 74 & 20 & 94 \\
Total & 183 & 27 & 210 \\
\hline
\end{tabular}
\end{table}

\textsuperscript{17} Two of these were Interim SHPOs, both issued in 2017. Six of the individuals arrested were already subject of
a Sexual Offences Prevention Order (SOPO), and were arrested for breach of those orders among other child
sex offences, with new conditions then sought by the NCA under an SHPO.
Sexual Risk Orders

99. The NCA has applied for one Sexual Risk Order (SRO). The NCA has only made one such application as the standard of proof required for imposition of an SRO is close to that for the threshold for a criminal prosecution. The NCA investigates some of the most serious cases of CSEA, and where there is sufficient evidence to meet the threshold to apply for an SRO, in almost all instances there is sufficient evidence to seek a criminal prosecution instead, as a measure more appropriate to the seriousness of the offence, and to apply for an SHPO to be imposed instead of an SRO. In investigating the most serious offenders, the NCA also uses intelligence from a wide range of sensitive sources. The lack of a public interest immunity hearing for SRO applications limits the extent to which this intelligence can be presented in a civil court without revealing sensitive techniques and jeopardising investigations.

Sexual Risk Order Case Study

100. In an ongoing investigation, the NCA has successfully applied for one Sexual Risk Order, to restrict the travel of a potential high-risk TCSO who was assessed to pose a risk of contact sexual abuse to children abroad. An SRO was applied for as, at the time, there was insufficient evidence to lay charges which would reflect the true scope and length of this individual’s suspected offending. The NCA successfully applied for an interim, and subsequently a full, SRO to prevent their travel abroad without the NCA’s permission, as a more permanent measure than bail conditions; the NCA assessed this to be a proportionate approach to take, commensurate with the long-term risk that the suspect was assessed to pose, and that without such restrictions, they would travel to abuse children.
Circumstances in which FTOs, RSHOs, SHPOs and SROs have been made, including but not limited to: a) the nature of the behaviour or offending which gave rise to each order; b) the length of time for which each order was imposed; c) whether the individual subject of the order had travelled abroad to offend prior to the order being made

101. The response to these questions is based on interrogation of the NCA’s management information systems to identify orders that the NCA has been granted. To identify the terms of each order, we have then interrogated the Violent and Sex Offenders Register (ViSOR) database and PNC, as the principal repositories of this information. The NCA is not responsible for input of the terms of these orders to ViSOR. This is undertaken by the offender management unit at the police force local to where the offender resides, who are also responsible for subsequent offender management once an order is imposed. The level of detail we are able to provide is therefore dependent on the quantity and quality of information added to ViSOR, or to PNC.

The nature of the behaviour or offending giving rise to each order

102. The following child sex offences were noted in the 183 SHPO and 27 SOPO cases referenced above. The total number of offences exceeds the total number of orders, as some offenders committed multiple types of offence.
Table 2: Offending giving rise to SHPOs and SOPOs imposed following application by the NCA, to December 2017

<table>
<thead>
<tr>
<th>Offence</th>
<th>Number of SHPOs</th>
<th>Number of SOPOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indecent images of children (IIOC): making, sharing and / or possession</td>
<td>175</td>
<td>26</td>
</tr>
<tr>
<td>Extreme pornography(^\text{18})</td>
<td>45</td>
<td>14</td>
</tr>
<tr>
<td>Cause/incite a child to take part in sexual activity</td>
<td>28</td>
<td>2</td>
</tr>
<tr>
<td>Prohibited images of children(^\text{19})</td>
<td>19</td>
<td>10</td>
</tr>
<tr>
<td>Encourage / assist commission of a child sex offence</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Sexual / indecent assault</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Grooming / meeting / arranging to meet a child for the purposes of sexual abuse</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Rape / buggery / contact child sex abuse</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Voyeurism</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Importation of an indecent article (child-like sex doll)</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

The length of time for which each order was imposed

103. 81% of SHPOs imposed following application by the NCA were for a period of 5 years, 10 years or indefinitely. The full breakdown is provided in the following table.

All SOPOs issued in Northern Ireland were for a duration of between 5 and 10 years.

\(^{18}\) Images that are assessed to be pornographic, grossly offensive, disgusting, or otherwise of an obscene character and portray in an explicit and realistic way: an act which threatens a person's life; an act which results in or is likely to result in serious injury to a person's anus, breast or genitals; an act which involves sexual interference with a human corpse; and / or a person performing an act of intercourse or oral sex with an animal (whether dead or alive)

\(^{19}\) Non-photographic images such as computer generated images, cartoons, manga images and drawings, that are assessed to be pornographic, grossly offensive, disgusting, or otherwise of an obscene character, that focus solely or principally on a child's genitals or anal region, or portrays child sexual abuse.
Table 3: Duration of SHPOs imposed as a result of application by the NCA, to 31 December 2017

<table>
<thead>
<tr>
<th>Duration of SHPO</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 years</td>
<td>62</td>
</tr>
<tr>
<td>Until further notice</td>
<td>45</td>
</tr>
<tr>
<td>5 years</td>
<td>41</td>
</tr>
<tr>
<td>Life / unlimited</td>
<td>20</td>
</tr>
<tr>
<td>Unknown</td>
<td>9</td>
</tr>
<tr>
<td>7 years</td>
<td>3</td>
</tr>
<tr>
<td>8 years</td>
<td>1</td>
</tr>
<tr>
<td>9 years</td>
<td>1</td>
</tr>
<tr>
<td>15 years</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>183</td>
</tr>
</tbody>
</table>

Travel abroad to offend prior to the order being made

104. The offending giving rise to the order took place abroad in three instances, Operations HIDEFLAND and KAMAS and a current live operation. In Operation KAPEIKA the offender subject of the order had not travelled abroad to offend, but had paid for the live streaming of abuse, which took place in the Philippines.

Restrictions by type within SHPOs imposed following application by the NCA

105. Types of restrictions applied within SHPOs imposed following application by the NCA are outlined in the following table. The total number of restrictions exceeds the total number of orders, as most offenders have multiple restrictions on their activity.

Table 4: Types of restrictions within SHPOs imposed following application by the NCA, to 31 December 2017
<table>
<thead>
<tr>
<th>Restriction Type</th>
<th>Number of SHPOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internet use / access or use of electronic devices</td>
<td>182</td>
</tr>
<tr>
<td>Contact with children</td>
<td>101</td>
</tr>
<tr>
<td>Residence</td>
<td>32</td>
</tr>
<tr>
<td>Employment</td>
<td>7</td>
</tr>
<tr>
<td>Travel</td>
<td>3</td>
</tr>
<tr>
<td>Ownership of animals</td>
<td>2</td>
</tr>
</tbody>
</table>

106. Travel restrictions cannot be applied for as a matter of course as part of an SHPO, as the applicant must demonstrate necessity and proportionality, and be able to draw a link between their offending and their travel. I produce Exhibit RJ7, Home Office Guidance on Part 2 of the Sexual Offences Act 2003 (March 2015) on SHPOs and SROs which states, at page 33: “the court must be satisfied that an order is necessary to protect the public (or any particular members of the public) in the UK, or children or vulnerable adults (or any particular children or vulnerable adults) abroad, from sexual harm from the offender. In the case of an order made on a free standing application by a chief officer or the NCA, the chief officer/NCA must be able to show that the offender has acted in such a way since their conviction as to make the order necessary.”

107. Further, at page 34: “Care needs to be taken that the prohibitions in the order can be justified by the assessment of risk. The questions that need to be asked when considering the terms of order are: 1) would an order minimise the risk of harm to the public or to any particular members of the public? 2) is it proportionate? 3) can it be policed effectively?”
108. And that: "The decision of the Court of Appeal in R v Smith and Others [2011] EWCA Crim 1772 reinforces the need for the terms of a SHPO to be tailored to the exact requirements of the case. SHPOs may be used to limit and manage internet use by an offender, where it is considered proportionate and necessary to do so. The behaviour prohibited by the order might well be considered unproblematic if exhibited by another member of the public – it is the offender’s previous offending behaviour and subsequent demonstration that they may pose a risk of further such behaviour, which will make them eligible for an order."\(^{20}\)

Information about the behaviour of the individual subject of FTOs, RSHOs, SHPOs and SROs after the order had been lifted, including but not limited to: a) whether the individual subject of each order re-offended following the lifting of that order; b) if so, the nature of this offence or offences; c) whether the individual subject of each order travelled abroad in order to offend following the lifting of the order.

109. As CEOP, SOCA and the NCA could not apply for FTOs and RSHOs, and SHPOs, which came into force in 2015, carry a minimum term of five years, the circumstances outlined within these questions are not applicable to any NCA cases.

\(^{20}\) In the appeal case of R v Smith and Others, the High Court ruled a blanket prohibition on computer use or internet access to be impermissible under a (then) SOPO, because it restricted an individual’s use of what has become an essential part of everyday living for most members of the public, as well as a requirement of much employment. The ruling stated that the circumstances of cases vary greatly, and that orders must be tailored to them.
110. The SRO outlined above (at paragraphs 99 and 100) has not yet been lifted. The two Interim SHPOs footnoted at paragraph 98 relate to individuals who are currently in prison, and so are not currently enacted.

111. Monitoring of adherence to SHPOs and SROs once they are imposed is undertaken by the police force local to where the offender resides.

**Documents reflecting the training and information given to personnel at the NCA in relation to FTOs, RSHOs, SHPOs and SROs**

112. In addition to RJ7, introduced at paragraph 106, I produce the following documents as exhibits to accompany this statement, which reflect the training and information provided to NCA officers in relation to the use of SHPOs and SROs:


   b. Exhibit RJ9, Pages 164 to 168 of the NCA Disruption Manual (v3.2, January 2017), which provides guidance on the use of these orders.

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21 We have not referenced FTOs or RSHOs, as the NCA and its precursors SOCA and CEOP did not have powers to apply for these orders.
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Documents reflecting any internal reviews or analysis at the NCA, including any such documents which comment on the utility and/or efficacy of FTOs, RSHOs, SHPOs and SROs

113. I produce the following documents as exhibits to accompany this statement, which reflect reviews or analysis of the utility / efficacy of civil orders:


b. Exhibit RJ11, a Home Office review of Civil Orders from 17 November 2016 titled Sex Offender Civil Orders: Monitoring Update.

c. Exhibit RJ12, a report written by Barnardo’s titled: Report of the Parliamentary inquiry into the effectiveness of legislation for tackling child sexual exploitation and trafficking within the UK (Chaired by Sarah Champion MP) of April 2014.
Opportunities for Developing the Response regarding TCSOs

114. The NCA considers there are four system changes that could significantly impact on the threat posed by Transnational Child Sex Offenders:

115. Firstly, it is important that there are robust standards within charitable organisations, companies and NGOs that operate overseas, to set a zero-tolerance approach to the abuse of a position within an organisation for a sexual purpose. In addition to appropriate vetting considerations such as the ICPC certificate, there needs to be a strong misconduct regime in respect of inappropriate but not criminal behaviour. The NCA’s operational experience is that TCSOs will often show signs of inappropriate behaviour.

116. Secondly, there needs to be greater emphasis on the prevention of outbound and inbound travel of RSOs. There needs to be a greater use made by forces of the available tools including SIS II Article 36 Alerts, Warning Diffusions and Green Notices for RSOs. This will enable the international community to more proactively tackle these high risk offenders, and police forces to enforce the conditions of sex offenders register stipulations and other orders.

117. Thirdly, extending our reach to arrest offenders also requires a commensurate safeguarding and witness care response, which is far more challenging. There should be consideration of an international working together framework to the extra-territorial pursue response.
118. Fourthly, **proactive application of the Model National Response**, described at paragraph 73, particularly by those countries most exploited by TCSOs, will enable countries to prioritise national effort to reduce the vulnerabilities in local arrangements that they are exploiting.

Statement made on behalf of the Director General of the National Crime Agency by Robert Jones, Deputy Director National Crime Agency CEOP Command, in the matter of the Independent Inquiry into Child Sexual Abuse Protection of Children Outside the UK Investigation.

Witness (PRINT): Robert Jones

Witness (SIGNATURE): DPA

Date: 3/10/18