

Meeting	SPA Policing Performance Committee
Date	26 August 2020
Location	Video Conference
Title of Paper	Report on Police Scotland's Planned Responses to HMICS Recommendations on Child Sexual Abuse - Action Plan
Presented By	ACC Judi Heaton, Major Crime, Public Protection & Local Crime
<b>Recommendation to Members</b>	<b>For Discussion</b>
Appendix Attached	Appendix A – Action Plan for HMICS Recommendations - Online Child Sexual Abuse

**PURPOSE**

The purpose of this report is to provide the SPA Chair with an update on the response to HMICS recommendations on Online Child Sexual Abuse.

Members are invited to discuss the content of this paper.

## 1. BACKGROUND

- 1.1 On 26<sup>th</sup> February 2020, HMICS published their report which included key findings and 10 recommendations to Police Scotland for improvement. In response to the report, a Short Life Working Group commenced and an Action Plan was drawn up, detailed within Appendix A.

## 2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 In Policing for a safe, protected and resilient Scotland, the long term strategy for policing, a commitment was set out to develop a Cyber Strategy for Police Scotland with the aim of enabling transformation of Police Scotland's capacity and capability to respond to threats and establish various ways to prevent, disrupt and respond to the ever more inventive and complex use of digital tools and new tactics, often originating from beyond our borders.
- 2.2 The strategy development work is underway and recognises that the demands placed on policing are becoming increasingly complex and the resources (physical and technological) available to meet these demands continue to be stretched. The strategy considers the areas that need to be focused on to enable policing to respond effectively going forwards including the investment requirements; technology and wider infrastructure; resourcing, capability and capacity; and human rights.
- 2.3 Many areas will require a shift in resources, appropriate investment and enhanced partnership working in order to succeed. The completion of the strategy and resultant implementation planning will be key to ensuring Police Scotland can meet demands in the short, medium and longer term.
- 2.4 The 10 recommendations and Police Scotland activity are summarised below:

### **Recommendation 1**

Police Scotland should improve the means by which recorded data can accurately inform assessment of the scale and nature of online child sexual abuse.

- Work ongoing across relevant business areas and to update police systems and streamline data-recording to support an accurate assessment of scale and threat.

**Recommendation 2**

Police Scotland should review the level of analytical support provided to the Public Protection business area and consider the appointment of a dedicated analytical resource.

- Police Scotland recognises the importance of this function and has placed analytical support by way of secondment into Public Protection. This function is included in a wider Intelligence Review for future resilience and support.
- The Cyber Strategy addresses a range of key areas where the service needs to build capability and capacity for the future, including how Police Scotland can most effectively use digital technology to enhance analytics and intelligence.

**Recommendation 3**

Police Scotland should ensure a strategic governance framework is in place, which provides support, direction, scrutiny and quality assurance to the force's response to online child sexual abuse.

- Tackling Online Child Sexual Abuse (TOCSA) a Strategic Group has been re-established, chaired by ACC Major Crime & Public Protection. The group includes representation from all relevant internal business areas, Crown Office and Procurator Fiscal Service (COPFS) and National Crime Agency (NCA). Similarly, TOCSA Tactical Group, chaired by DCS, Public Protection has been re-established with appropriate representation which mirrors that of TOCSA Gold. Work is ongoing to establish a TOCSA Group which will include representation from Statutory and Third Sector Partner Organisations.

**Recommendation 4**

Police Scotland should undertake an Online Child Sexual Abuse Strategic Threat Assessment to accurately identify the scale, nature and threat to children from online child sexual abuse.

- As per Recommendation 2, analytical work has commenced in respect of the Strategic Threat assessment which will be completed in a phased approach, given the scale and complexity of the subject.

**Recommendation 5**

Police Scotland should review the current arrangements for allocation of specialist support in relation to online child sexual abuse to ensure the allocation is fair across the country.

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- HMICS provided clarity that key to this Recommendation was a more productive and effective tasking process. A meeting and governance structure has been implemented with scheduled thrice weekly operational meetings between Internet Investigations, Cyber Digital Forensics and Online CSA Investigation Teams, fortnightly Tasking and Coordinating meetings, and Forensic Strategy meetings for complex cases.

### **Recommendation 6**

Police Scotland should review the resources and structure of the Internet Investigation Unit and Communications Investigation Unit to ensure that the force is able to meet current and future demand in relation to initial risk assessment, triage and intelligence development.

- The Short Life Working Group have reviewed the existing 'end to end' process. Demand has been assessed and an uplift in resources to relevant business areas forms part of the Strategic Workforce Plan. In the interim period, a short-term Taskforce is being formed in an effort to tackle the current volume of referrals and mitigate risk. The Taskforce spans Intelligence, Investigations and Cyber Digital Forensics and will be a dedicated and focussed effort over a three month period. This will ensure that whilst a sustainable future structure is under consideration, risk is being addressed
- The Cyber Strategy considers the resourcing needs for the service in the short, medium and longer term to set out an approach to address capability and capacity in existing service areas, along with considering the shift in resources and upskilling required to build for the future.

### **Recommendation 7**

Police Scotland and the National Crime Agency (NCA), should work together to ensure that all capabilities are being exploited to their full potential and intelligence is shared effectively.

- The NCA now have appropriate representation at senior levels on both TOCSA Strategic and Tactical Groups, which enables sharing of relevant information and will build more effective working relationships. In addition, there is separate engagement between the key SCD business areas and NCA.

### **Recommendation 8**

Police Scotland should work with the Crown Office and Procurator Fiscal Service to establish a pragmatic and realistic approach to digital forensic examination requests.

- A pre-existing meeting structure has been refreshed and challenges around digital forensic examination requests are discussed at TOCSA Tactical and Strategic Groups.

### **Recommendation 9**

Police Scotland should review its capacity and capability to conduct undercover online covert operations in support of its policing priorities and ensure that undercover online operatives are sufficiently equipped and supported to identify and adequately assess the risk to children as a result of online offending.

- The alignment of resources and capacity and capability to undertake covert operations formed part of the 'end to end' review process. Considerations around this aspect will also be included in the Strategic Workforce Plan, however the function requires significant investment in resourcing, training and infrastructure. Work is ongoing to develop information and intelligence sharing with relevant partners in this area to further inform this consideration and provision.
- The Cyber Strategy considers the resourcing needs for the service in the short, medium and longer term to set out an approach to address capability and capacity in existing service areas, along with considering the shift in resources and upskilling required to build for the future.

### **Recommendation 10**

Police Scotland should ensure that arrangements for deploying undercover online specialist resources are directed by formal tasking arrangements aligned to risk, priority and demand.

- This will be addressed through the work in response to Recommendations 5 and 9.

## 2.5 **Governance**

In response to the findings and recommendations, a clear governance structure has been established including the Tackling Online Child Sexual Abuse (TOCSA) Strategic Group, Chaired by Assistant Chief Constable (ACC) Heaton. The TOCSA Tactical Group, is chaired by DCS McCluskey. The decisions or agreements reached at TOCSA Strategic Group are presented to Crime and Operations

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Management Board Chaired by DCC Graham, and if necessary, progressed through the appropriate Police Scotland primary board governance structure. Both TOCSA Strategic and TOCSA Tactical groups have representation from the National Crime Agency.

- 2.6 As previously outlined, a number of the recommendations are complex and require significant change in resource and practice however there is a clear, collective commitment to drive improvement in this high risk crime type.
- 2.7 The review of the 'end to end' process of addressing online CSA is now complete and draft recommendations are currently under consideration, prior to submission.
- 2.8 To address immediate threat, risk and harm presented by existing volume referrals in respect of online CSA, Police Scotland have approved a period of intensification for three months, commencing 1<sup>st</sup> September 2020. This activity will draw resources with the requisite skills and experience from Public Protection, supported by officers from wider SCD. The intensification period, Operation PARROR, will dedicate specialist resources and consider all available tactical options to tackle online CSA.
- 2.9 Following on from this, a sustainable model is being developed to ensure operational resilience against the HMICS recommendations.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 There are financial implications or opportunity costs with any uplift in capacity. Assessment is ongoing to better understand the projected financial and personnel implications in detail. The assessment will be managed through the SCD ACCs and Crime Operations Management Board (COMB) feeding into force Governance Boards as appropriate.

### **4. PERSONNEL IMPLICATIONS**

- 4.1 As above, work is ongoing to understand the full financial and personnel implications of addressing each of the ten recommendations within the report.

### **5. LEGAL IMPLICATIONS**

- 5.1 There are no legal implications associated with this paper.

## **6. REPUTATIONAL IMPLICATIONS**

- 6.1 There are reputational implications associated with the HMICS report and recommendations and any subsequent failure on the part of Police Scotland to implement them. The potential impact on public confidence and our operational ability to meet our strategic objectives within the critical business area has been recognised and recorded on the Public Protection Risk Register with appropriate control measures identified and implemented.

## **7. SOCIAL IMPLICATIONS**

- 7.1 This paper outlines the potential for significant increased commitment of PSOS resource to both the initial response to the HMICS report and in order to make sustained, informed improvements in this complex area of business whilst remaining mindful of the impact on officers and staff operating within this high risk area.

## **8. COMMUNITY IMPACT**

- 8.1 Failure to address the recommendations within the HMICS report would result in significant loss of public confidence and our ability to meet strategic objectives. Plans to mitigate risk and ensure progress to meet the recommendations are in place.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 There are no known equalities implications associated with this paper.

## **10. ENVIRONMENT IMPLICATIONS**

- 10.1 There are no known environmental implications associated with this paper.

### **RECOMMENDATIONS**

Members are invited to discuss the content of this paper.

Date Published	U R N	Summary Title	Recommendation	Risk / Outcome / Background	Risk Exposure	Action to be taken	Date of Completion	Action Owner	Update	SRO / Operational Lead	Executive Owner
2020-02	OCSA-R1	Improve assessment of recorded data - Use of Markers	Police Scotland should improve the means by which recorded data can accurately inform assessment of the scale and nature of online child sexual abuse.	<p>There has been some activity to try to establish the scope and nature of online child sexual abuse across Scotland, however <b>inhibitors have included challenges in relation to the use of 'markers' and incompatible data systems.</b> That said, most of the analytical work conducted relates to the broader disciplines with a limited focus on the online child sexual abuse aspect of child abuse.</p> <p>There is an ongoing drive to improve the use of intelligence markers as they relate to cybercrime. The instruction to apply such a marker was first issued in a force memo in April 2016, and was reinforced by a further memo in October 2018. The Cybercrime Strategic Assessment January – December 2018 highlighted the inaccurate use of the cybercrime marker. The introduction of a marketing strategy, 'Tag It, Mark It, Log It' is aimed at achieving improvements in this area.</p> <p>In the absence of integrated data systems, it is an essential requirement to ensure the appropriate use of such intelligence markers to assess accurately the scope of online child sexual abuse across Scotland. <b>It is of note that the absence of quality data has been of concern to business leads for some time and some localised efforts have been made to address this issue.</b></p>	Medium	<ol style="list-style-type: none"> <li>1. Review of markers relating to Child Sexual Abuse to ensure they are captured in a single place.</li> <li>2. Depending on the outcome of the review above, determine communications for Local Policing Divisions to ensure compliance.</li> <li>3. Continue to work nationally to feed in requirements in respect of markers to the Core Operational Policing Solution. (Action to link in with Callum Young to identify evidence of this being in place within plans).</li> </ol>	Final date is dependent on COS roll out.	DCI Iain McPhail / DI Richard Taylor	<p>The Cyber and Technical Surveillance Programme (CTSP) continues to work with all concerned in relation to the proper identification of incidents and Crimes which have a cyber relevance, not restricted to CSAE, in terms of being either Cyber enabled or Cyber dependent. There has been a considerable amount of work carried out in relation to this however recognising the starting point, there remains a considerable amount of work to be done in the future. The evidence is supported via the Force memos, Intranet pages, PowerPoint and obviously the PC Taggit initiative.</p> <p>The following Force Memo PS 045/16 and 144/18 have been distributed as well as the a PowerPoint presentation all of which is available on the Force intranet and referenced in the Cybercrime and OCCTU Cybercrime pages.</p> <p>Cyber Investigations review all these tagged incidents and crimes on a daily basis to ensure that we have an awareness of and are able to take ownership or support when appropriate.</p> <p>In the absence of a single application in terms of incidents and crimes, Cybercrime CTSP is working with the project teams to ensure that the new Crime Management application and COS has the capability to adequately record Cyber enabled or dependent crime to assist early identification.</p>	DCS Chapman (Cybercrime) DCS McCluskey (Ops) DCS Houston (Intel)	ACC Major Crime and Public Protection & ACC OCCTI
2020-02	OCSA-R2	Analytical Resource	Police Scotland should review the level of analytical support provided to the Public Protection business area and consider the appointment of a dedicated analytical resource.	<p>Scottish Government Project Funding has recently been secured to employ three additional dedicated analysts to Cybercrime Intelligence and Digital Forensics. However, none of these posts has a specific remit to analyse the scope and impact of child abuse, including that committed online. Further, there is no dedicated analyst assigned to the various business areas that are the strategic responsibility of SCD Public Protection. As a result, any analytical work requires to be outsourced and therefore compete against other business areas. The subject of online child sexual abuse, and indeed SCD Public Protection business area, would benefit from dedicated analytical support in what is undoubtedly a growing area of business.</p> <p>In 2018 we conducted a Thematic Review of Police Scotland's approach to the development and operational delivery of the Annual Police Plan 2018-19. At that time we found an imbalance between intelligence analysis and performance analysis and asked Police Scotland to consider a more direct alignment of intelligence analysts and SCD. The structure however remains as it was and we are of the view that the absence of meaningful analytical products to fully inform the scale, nature and future threat of online child sexual abuse symptomatic of the flaws in the current structure.</p>	High	<ol style="list-style-type: none"> <li>1. Establish position regarding the agreement for the recruitment of 3 dedicated PPU Analysts. (COMPLETE)</li> <li>2. Carry out end to end process Continuous Improvement Review of Online Child Abuse processes along and produce report along with workforce planning requirement for consideration.</li> <li>3. Develop Request to re-submit through the Tasking Process via ACC. (COMPLETE)</li> </ol> <p><i>This recommendation cross-references with an action from Thematic Review of the Annual Policing Plan</i></p>	31/07/2020  Milestone Date	DCI John Malcolm	<p>Tasking request resubmitted and resulted in the allocation of 5 analysts from APU being dedicated for PPU work and now tasked with the production of the Strategic Threat Assessment. An internal review within SCD has established the current allocation of APU analysts and the work requirements identified. This internal review will be used to inform the current proposals in relation to APU redesign. ACC Sloan, ACC McLaren and Tom McMahon, Director of Business Integration, met to discuss the most recent proposals which include an option to realign dedicated APU resources under SCD.</p> <p>A Short Life Working Group has been established to take forward an overarching review of resourcing along with an end to end process review. This review will be advised by Police Scotland's Continuous Improvement Team. Both resource and process reviews will be complete by end of June 2020 where further actions will be identified and this action plan updated.</p>	DCS Houston	ACC Major Crime and Public Protection, ACC OCCTI, Director of Business Integration
2020-02	OCSA-R3	Strategic Governance Framework	Police Scotland should ensure a strategic governance framework is in place, which provides support, direction, scrutiny and quality assurance to the force's response to online child sexual abuse.	<p>Our review confirmed that staff we spoke to in local policing and other areas responsible for delivering a front line response were unclear about the existence of a force strategic direction in relation to online child sexual abuse.</p> <p>Police Scotland is an active member of important national (UK) strategic network arrangements including the jointly chaired National Crime Agency/UK Government Pursue and Prevent Boards and the National Police Chiefs' Council (NPCC). online child sexual abuse features prominently in both forums.</p> <p>These forums meet to progress strategic actions at a UK level and we found that this provides Police Scotland with the appropriate platform and interface from which to both contribute and benefit.</p> <p>The Police Scotland Tackling Online Child Sexual Abuse (TOSCA) Strategic Group was established to provide appropriate governance and strategic direction in relation to online sexual offending against children. Membership includes ACC OCCTU and Intelligence, Detective Chief Superintendents from Public Protection, Intelligence, OCCTU and local policing. It is chaired by ACC Major Crime and Public Protection and includes additional representation from the Analysis and Performance Unit and COPFS. The group was scheduled to meet on a quarterly basis but this had fallen away over recent years.</p> <p>While all of the relevant constituent functions had a clear understanding of the organisational risk as well as the individual and collective risk to children presented by online child sexual abuse, we found that distinct departmental priorities created a "silo based" approach.</p> <p>HMICS found the TOSCA Strategic Group has recently been reinstated in the strategic diary, however this group had not met for some considerable time. As a result, there was previously no structure in which to hold the respective Detective Chief Superintendents to account. It is reasonable to assume that the absence of this strategic structure has contributed to the disconnect between the constituent elements of the end-to-end response.</p>	High	<ol style="list-style-type: none"> <li>1. Reinstate TOSCA Group.</li> <li>2. Develop a schedule of meetings.</li> <li>3. Terms of Reference of the group to be reviewed and updated to include outcomes and delivery, scrutiny arrangements and quality assurance processes.</li> <li>4. Update membership at Tactical Group to include representation from NCA and CEOP.</li> </ol>	31/07/2020	DCI Laura Carnochan	<p>The Gold Group has been re-established and met on 29 May 2020. The terms of reference were discussed and are out for consultation with members.</p> <p>It was further agreed that an invitation would be extended to include representation from NCA and CEOP at the Tactical Group. This cross references with Recommendation 7 below to improve multi-agency working.</p>	DCS McCluskey	ACC Major Crime and Public Protection
2020-02	OCSA-R4	Strategic Threat Assessment	Police Scotland should undertake an Online Child Sexual Abuse Strategic Threat Assessment to accurately identify the scale, nature and threat to children from online child sexual abuse.	<p>Police Scotland has in place individual Strategic Assessments for thematic business areas (including cybercrime and online grooming) in addition to the overarching organisational Strategic Assessment that features online child sexual abuse. Separately the NCA, as a critical partner to tackle online child sexual abuse, has its own Strategic Assessment. These products were developed in isolation and whilst they do not appear to be in conflict with each other, it would be good practice for Police Scotland and the NCA to collaborate more on future assessments.</p> <p>Despite this being a rapidly increasing area of police business, Police Scotland has no specific Strategic Threat Assessment that addresses the issue of online child sexual abuse. Rather online child sexual abuse is a cursory feature contained within a broader perspective. A Strategic Threat Assessment is an essential product in identifying the scale, nature and threat of any issue and in informing strategic planning. Its absence is impeding a coherent strategy for dealing with online child sexual abuse.</p>	High	<ol style="list-style-type: none"> <li>1. This action is dependent on securing the resources identified at Recommendation 2 above. Update on progress with recruitment to be ascertained. (COMPLETE)</li> <li>2. Produce Strategic Threat Assessment for Online Child Sexual Abuse.</li> </ol>	30/09/2020  Phase 1	DCI Laura Carnochan	<p>A Strategic Threat Assessment was completed last year specifically in relation to online grooming and was not broad enough to include the wider aspects of Child Sexual Abuse. Now that the additional analytical resources have been secured as per the update at Recommendation 2, work on undertaking the Strategic Threat Assessment for Online Child Sexual Abuse is underway. Due to the scale of work required this will be undertaken on a phased approach with phase 1 due for completion by end of August - taking into consideration how Covid-19 is impacting on operations and resources. APU staff have engaged with SMT from SCD PPU and have been provided links and contact details/introductions to the authors of the NCA Strategic Assessment to ensure a cohesive approach.</p>	DCS McCluskey	ACC Major Crime and Public Protection, ACC OCCTI, Director of Business Integration
2020-02	OCSA-R5	Allocation of Specialist Support	Police Scotland should review the current arrangements for allocation of specialist support in relation to online child sexual abuse to ensure the allocation is fair, equitable and meet the needs across the country.	<p>A weekly inter-departmental meeting convenes each Monday, attended by the Internet Investigations Unit (IIU), Cybercrime Unit and NCAIU. This is effectively a tasking forum that facilitates discussion around the NOCAP packages that are actionable and deals with prioritisation and grading of risk. This forum is chaired by IIU and, using the KIRAT2 (Kent Internet Risk Assessment Tool), actionable packages are graded according to risk. This meeting provides an opportunity for overview of the current risk and the anticipated immediate specialist resource requirement across the force.</p> <p>HMICS found that the process for assessment of the requirement for specialist resources is not reliable as packages that are distributed to overt resources require some additional local enquiry including warrant applications, and the relevant timescales in relation to this activity cannot be accurately determined. As a result, on a regular basis, specialist support such as onsite preview examination and equipment triage is requested in the form of a telephone call direct from divisions to the local Cybercrime Unit hub.</p> <p>It was notable that territorial policing resources were more familiar with the weekly NOCAP Strategy Group meeting than the SCD tactical tasking meeting, which is a reflection of the current value of the SCD tactical tasking process in relation to online child sexual abuse.</p> <p>The use of less formal arrangements for securing specialist and/or additional resources is not in keeping with a balanced and impartial allocation of such resources and is not conducive to effective planning.</p>	Medium	<ol style="list-style-type: none"> <li>1. Review / revise tasking process as part of the end to end process review. In particular review the decision making process and ownership of risk. The review will seek to understand the resources required from the initial triage and assessment (IIU), development and investigations (NCAIU and Local Policing) and evidential recovery and court preparation (Cyber Investigations and DF(CIDF)).</li> <li>2. Implement actions identified from process improvement review and in particular improve communication and governance, to ensure compliance and delivery of revised processes.</li> <li>3. Clarify with HMICS understanding regarding the NOCAP process with respect to multi agency tasking.</li> </ol>	31/07/2020  Milestone Date	DCI Laura Carnochan	<p>The ongoing review will seek to identify and establish a comprehensive understanding of the resources required from the initial triage and assessment (IIU), Development and Investigations (NCAIU and Local Policing), Evidential Recovery and Court Preparation (Cyber Investigations &amp; DF(CIDF)). This will provide clarity across a complex area which involves a number of interdependencies. A review has already resulted in a realignment of a number of resources to increase capacity within IIU to address risk, and realignment of existing posts within NCAIU to increase capacity to respond to online investigations. The allocation of specialist resources remains under review as part of the end to end process review.</p>	DCS McCluskey	ACC Major Crime and Public Protection, ACC OCCTI



2020-02	OCSA-R6	Resource & Structure of Specialist Units	Police Scotland should review the resources and structure of the Internet Investigation Unit and Telecommunications Investigation Unit to ensure that the force is able to meet current and future demand in relation to initial risk assessment, triage and intelligence development.	<p>At 25 November 2019, IIU was in receipt of 1600 referrals for the year which is a 40% increase on the same period in 2018. This intelligence resulted in 750 NOCAP packages. Police Scotland has since confirmed that the total number of referrals for the 2019 calendar year is 1961, which generated 913 packages.</p> <p>As a result of this increase in referrals, NOCAP has significantly affected the ability of the IIU and TIU to service other areas of business.</p> <p>Previously NCA carried out all research into NOCAP packages prior to onward transmission, however Police Scotland took over this responsibility in order to reduce time delays thereby maximising the chances of the intelligence leading to a successful warrant application. Police Scotland has succeeded in reducing delays, but this has come at the cost of increasing the volume of work undertaken by the IIU and TIU.</p> <p>Further, additional funding to Regional Organised Crime Units across England and Wales, and in particular to NCA, is likely to result in an increase in their capacity and with it an increase in referrals. The NCA is not responsible for the operational enforcement activity in Scotland, consequently the burden of triage, tasking and enforcement rests with Police Scotland.</p> <p>Currently in Police Scotland, volumes in the context of resource levels are such that there is a backlog within IIU that varies but, as an example, was sitting at 450 in November 2019. All of the intelligence packages under development are subject of an initial triage process and risk assessment using an accredited risk assessment tool.</p> <p>The levels of referrals have continued to increase and are anticipated to continue to increase at a significant rate. As such, the resource levels committed by Police Scotland to deal with the initial risk assessment, triage and intelligence development in respect of NOCAP requires urgent review.</p>	High	<ol style="list-style-type: none"> <li>1. Develop proposals for revised staffing/operating model and conduct review in 12 months time to identify impact.</li> <li>2. The action at R4 re Strategic Assessment will support the future understanding of current and future demand.</li> <li>3. End to end process review to support understanding of workflow, relationships and demands.</li> </ol>	31/07/2020 Milestone Date	DCI John Malcolm DI Gary Smith	Discussions are ongoing to identify future resourcing requirements alongside an end to end process review. We will seek to create additional capacity within the teams to improve our approach, at the same time recognising that any increase in one area will need to be replicated in others to avoid any negative impact downstream.	DCS S Houston	ACC Major Crime and Public Protection, ACC OCCTI
2020-02	OCSA-R7	Police Scotland and NCA working	Police Scotland and National Crime Agency should work together to ensure that all capabilities are being exploited to their full potential and intelligence is shared effectively.	<p>Police Scotland's principal law enforcement partner in respect of online child sexual abuse is NCA. They are the conduit for Scotland-related intelligence referrals from across the world, however, they do not provide investigative resources for online child sexual abuse and they do not carry the risk associated with any referrals they pass to Police Scotland.</p> <p>HMICS found that this has presented challenges in the past in terms of time taken to carry out research (para 94), and this has resulted in revised processes. Similarly, NCA leads the UK online Pursue response to 'dark web' offending. Our review identified differing views on the <b>part of NCA and Police Scotland about how to use intelligence</b>. Once Police Scotland has received the intelligence from the NCA, it carries the risk caused by any delay.</p> <p>At the time of our review this delay had been acknowledged by both Police Scotland and the NCA and steps were underway to address this situation. Given that some of the most prolific and concerning activity takes place within "dark net" space, HMICS considers this requires an urgent solution.</p> <p>NCA reports that there are rich opportunities to identify offenders and inform prevention activity that are available to all law enforcement, however, they are not being utilised to their full capacity by Police Scotland.</p> <p>Police Scotland contributes £5.2m annually to be part of the UK Organised Crime Partnership and should benefit from the assets and expertise held by the NCA.</p> <p>While Police Scotland has access to the Child Abuse Image Database (CAID) and NCMEC portals, each of these systems requires to be independently accessed during the IIU triage phase. This is a time consuming and cumbersome process. A business case has been submitted to introduce a management system that automatically links to both databases simultaneously. The introduction of such a system would significantly improve turnaround timescales for referrals.</p>	High	<ol style="list-style-type: none"> <li>1. Further review with HMICS to update on revised NCA arrangements.</li> <li>2. NCA and CEOP invited to attend Tactical level meetings to improve joint working relationships and to be represented at TOCSA Strategic Meeting.</li> <li>3. Clarify with HMICS regarding outcome of this recommendation.</li> </ol>	31/07/2020 Milestone Date	DCI John Malcolm DI Gary Smith	<p>Since the review took place there has been changes within NCA which may negate the need for this recommendation. A VPN is now in place which is speeding up turnaround timescales for referrals.</p> <p>In order to improve multi-agency working, we have extended an invitation to NCA and CEOP to attend our Tactical level meetings which will seek to review ongoing operations as well as highlight problems and resolve at an early stage. NCA and CEOP have further been invited to attend our Strategic Meeting.</p>	DCS Houston	ACC Major Crime and Public Protection
2020-02	OCSA-R8	Police Scotland and Crown Office approach to Digital Forensic Examination Requests	Police Scotland should work with the Crown Office and Procurator Fiscal Service to establish a pragmatic and realistic approach to digital forensic examination requests.	<p>The preliminary examination of devices at the site of the enforcement activity eliminates the unnecessary seizure of devices and other digital equipment that would subsequently require a full forensic examination. Cybercrime case management data for the three month period September, October and November 2019 confirms that 86% of devices submitted for digital examination were mobile phones, sexual crime was the most prominent crime type and of that, rape was the most frequent crime followed closely by IIOC.</p> <p>The Digital Forensic Gateway is the receiving facility for all Examination Request Forms where triage and quality control functions are conducted. Gateway staff are co-located with the digital forensic teams to provide a robust and consistent process. We found that there remains a tendency for front line officers, due to a lack of experience or knowledge, to seize devices unnecessarily for subsequent examination. The deployment of digital forensic examiners to provide on-site advice and expertise reduces this demand.</p> <p>Police Scotland operates with a significant backlog of devices awaiting forensic examination, however they have successfully reduced this from a typical number of around 1200 outstanding devices to 500 in December 2019. This is as a result of a review and revision of internal processes. HMICS acknowledges the considerable effort that has been made to reduce this backlog and would urge Police Scotland to ensure this is sustained.</p> <p>HMICS believes that the roll out of cyber kiosks will enhance Police Scotland's capability in digital forensic case management.</p> <p>HMICS also acknowledge that the demand for digital forensics, and in particular the backlog, is influenced by COPFS who regularly make requests to conduct initial or supplementary forensic examinations. Advances in technology and the vast amount of data being held on devices are such that blanket requests to 'examine everything', made as a matter of routine, are increasingly unrealistic and have a substantial subsequent impact on Police Scotland's digital forensic capability. A radical rethink regarding the practicalities of sustaining the current approach is required.</p>	Medium	<ol style="list-style-type: none"> <li>1. An end to end process review of Digital Forensic process including everything within the current backlog has been actioned.</li> <li>2. Delivery of the Case Management application (Agreed via Procurement and now with ICT)</li> <li>3. Development of NUIX application within Police Scotland and with COPFS will assist as interim finding are very positive with application having the potential to meet the requirements of both the investigating/reporting officer and COPFS.</li> <li>4. Extension of Cyber Gateway support (Gateway about to extend working to Day/Late shift.)</li> <li>5. delivery of Cyber Kiosks throughout Police Scotland fully networked to enable MI should longer term support DF backlog and demand.</li> <li>6. TOSCA Gold to engage with Crown regarding issues.</li> </ol>	31 December 2020 Milestone Date	DCI Iain Ritchie	<p>COPFS and CIDF liaison - there have been a number of discussions around the forensic examination requests for COPFS as outlined in their SFI (Standard Forensic Instruction) received by the Reporting officers and DF examiners. The challenge of Covid 19 has delayed progress although there is recognition on both PSOS and COPFS that this needs to be developed. At the CIDF CPD event in January 2020, COPFS provided a well received training input and agreed actions to continue this development. Iain Logan at COPFS is leading from their perspective.</p> <p>Digital Forensic Backlog - current DF backlog has been outlined within a briefing paper and submitted for consideration.</p> <p>Under the CTSP</p> <ul style="list-style-type: none"> <li>- An end to end process review of Digital Forensic process including everything within the current backlog has been actioned.</li> <li>- Delivery of the Case Management application (Agreed via Procurement and now with ICT)</li> <li>- Development of NUIX application within Police Scotland and with COPFS will assist as interim finding are very positive with application having the potential to meet the requirements of both the investigating/reporting officer and COPFS.</li> <li>- Extension of Cyber Gateway support (Gateway about to extend working to Day/Late shift.)</li> <li>- Delivery of Cyber Kiosks throughout Police Scotland fully networked to enable MI should longer term support DF backlog and demand.</li> </ul> <p>In addition, a commitment was made by TOSCA Gold to engage with Crown to address any issues.</p>	DCS Chapman	ACC Major Crime and Public Protection

2020-02	OCSA-R9	Undercover Operatives	Police Scotland should review its capacity and capability to conduct undercover online covert operations in support of its policing priorities and ensure that undercover online operatives are sufficiently equipped and supported to identify and equitably assess the risk to children as a result of online offending.	<p>Less than 16% of the SOU undercover cadre are trained in UCOL. The team's capability is exclusively undercover deployment and they are required to rely on assistance for case development and intelligence support from other departments. Notwithstanding the increase in UCOL operations, our 2018 report noted that, "we believe that undercover advanced officers and undercover online officers has been underutilised. This is a position that has been accepted by Police Scotland."</p> <p>As part of the regular inspection of Police Scotland's use of statutory investigatory powers, the Investigatory Powers Commissioner's Office (IPCO) report of 2018 highlighted surprise at a lack of intelligence, analytical and investigatory support for UCO.42 In particular the IPCO noted that: "once an opportunity is identified by the undercover operatives, a request for overt resources has to be made to senior officers within the relevant division. In a number of cases evidenced during the inspection, there has been a delay in attracting the appropriate resources and therefore evidential opportunities have been missed."</p> <p>While IPCO has highlighted the impact on evidential opportunities, of greater significance in the context of online child sexual abuse is the continued harm being caused to children.</p> <p>HMICS is aware of evidence of a previous long-running UCOL operation in relation to online child sexual abuse that was successful, detecting 26 online offenders. However, the case did feature a lack of appropriate intelligence support (the issue highlighted by IPCO) that impacted on the ability to adequately manage risk and develop investigations.</p> <p>A key finding in our 2018 report was: Two of the key elements within the Policing 2026 strategy relate to online safety and the response to serious organised crime. The capacity and capability within Police Scotland to conduct undercover policing in support of these is currently limited and needs to be further developed.</p> <p>Despite being advised in 2018 that the deployment of UCOL operatives was an underused tactic, Police Scotland has</p>	Medium	1. Carry out end to end Continuous Improvement Review of Online Child Abuse processes along with a review of all specialist support resourcing with a view to producing an interim report for consideration by end of June.	31/07/2020 Milestone Date	DCI Jackie Gilfillan	<p><b>May 2020</b> This will form part of the end to end Continuous Improvement Review and a wider review of specialist resources. Proposals will be submitted end of June for consideration.</p> <p>There is currently ongoing work between the different business areas to address this recommendation, utilising relevant authorities.</p>	DCS Chapman	ACC Major Crime and Public Protection
2020-02	OCSA-R10	Deploying Undercover Resources	Police Scotland should ensure that arrangements for deploying undercover online specialist resources are directed by formal tasking arrangements aligned to risk, priority and demand.	<p>HMICS found evidence of the SOU self-generating UCOL operations, which were then approved at Detective Chief Superintendent level without going through formal tasking and co-ordinating process. This approach to the allocation of scarce specialist covert assets is inappropriate. It does not take account of the demand for covert support from across the organisation, nor of the prioritisation arrangements aligned to prescribed risk assessment processes. Given the commitment to its own, self-selected operations, the SOU was unable to meet requests for undercover support for any other work.</p> <p>To ensure that the operational activity of the SOU, in common with all other aspects of Police Scotland, is informed by risk, priority and demand, it should be directed by robust and effective tasking and co-ordination processes. Although the sensitivity of covert options and assets require protection, this is not a standalone area of business and should not be allowed to operate as such.</p>	Medium	<p>1. Carry out end to end Continuous Improvement Review of Online Child Abuse processes along with all tasking processes.</p> <p>2. This recommendation cross references to Recommendation 1 within the Undercover Policing Review.</p>	31/07/2020 Milestone Date  Link to R1 UCP Review	DCI Jackie Gilfillan	<p>As part of our response to Recommendation 1 - Undercover Policing Review, we are setting out our commitment to deploying Undercover resources in the most effective way to deliver against our Force Strategy - Policing 2026.</p> <p>From 2020, the SOU have an allocated budget which will allow support to be provided to the most appropriate investigations. This is a significant change from previous years when costs were cross charged to specialist departments or territorial divisions.</p> <p>In 2019 SOU delivered the first SIO awareness seminar. This seminar was well received and plans are in place to continue with these seminars throughout 2020. In addition SOU are commencing a series of visits to territorial divisions to raise awareness and highlight the support that is available in respect of investigation of serious organised or complex crime, including child sexual abuse (CSA), not withstanding the impact of COVID-19.</p>	DCS Chapman	ACC Major Crime and Public Protection & ACC OCCTI