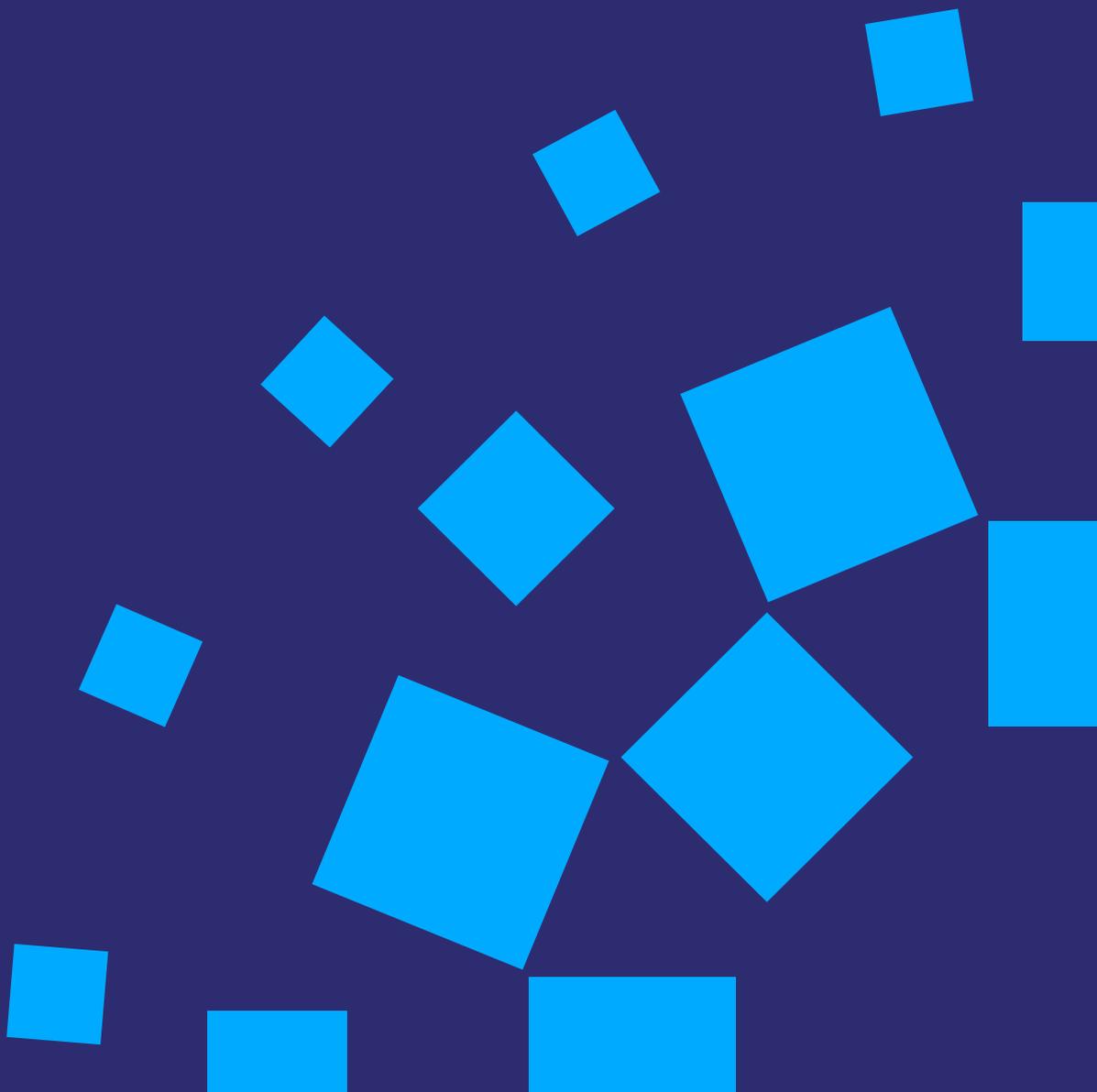




College of
Policing

Working together
to keep people safe

Revenge pornography



© College of Policing Limited (2021)

This publication is licensed under the terms of the Non-Commercial College Licence v1.1 except where otherwise stated. To view this licence visit http://www.college.police.uk/Legal/Documents/Non-Commercial_College_Licence.pdf

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

This publication is available for download at <https://www.app.college.police.uk/app-content/investigations/linked-reference-material/>

For any enquiries regarding this publication, or to request copies in accessible formats, please contact us at APP.Contact@college.pnn.police.uk.

Contents

Introduction	2
The offence	3
Definitions	4
CPS guidance	6
Further information	7

Introduction

Revenge pornography is a colloquial term used to describe behaviour captured under Section 33 of the Criminal Justice and Courts Act 2015. This involves disclosure of private, sexual materials, either photos or films, of another person without their consent and with the purpose of causing distress to the person depicted.

Section 69 of the Domestic Abuse Act 2021 amended section 33 of the Criminal Justice and Courts Act 2015 to also make it an offence to threaten to disclose private sexual photographs and films. This provision came into effect **29 June 2021**.

The images may sometimes be accompanied by personal information about the victim(s), including their name, address and links to their social media profiles.

Victims may have voluntarily passed self-taken images to the perpetrator, eg, as a 'selfie' or by 'sexting' images during the course of a relationship. The perpetrator subsequently uses that image for malicious purposes.

Alternatively, images may have been obtained through coercion and the offender has sought to use the image(s) as a means of control.

There are currently a number of Acts containing offences that may be relevant to this behaviour, including, but not limited to:

- **Protection from Harassment Act 1997**
- **Protection of Children Act 1978**
- **Communications Act 2003**
- **Malicious Communications Act 1988, s 1**
- **Theft Act 1968, s 21**
- **Serious Crime Act 2015, s 76**

The offence

The Criminal Justice and Courts Act 2015 (the Act), as amended, creates a specific offence of disclosing, or threatening to disclose, private sexual photographs and films with intent to cause distress (often referred to as 'revenge pornography'). The Act makes it easier to prosecute both online and offline offences, including uploading images onto the internet, sharing by text and e-mail, or showing someone a physical or electronic image. For the offence of threatening to disclose, there is no need to prove that the image exists, or if it does exist, that it is a private sexual photograph or film (Section 33(2A)).

Section 33 of the Act makes it a criminal offence to disclose, or threaten to disclose, private photographs or film which show people engaged in sexual activity or depicted in a sexual way (including where their genitals are exposed), where what is shown would not usually be seen in public.

The offence is committed if there is the intention to cause distress to an individual (the 'relevant individual') who appears in the private sexual photograph or film and if the disclosure is or would be made without the consent of that individual.

Section 33 of the Act came into force on **13 April 2015**, and was amended by section 69 the Domestic Abuse Act 2021 on **29 June 2021**. A relevant offence, eg, disclosure, or threatening to disclose, can only be committed if the incident took place on or after the relevant enactment date.

Definitions

Sections 34 and 35 of the Criminal Justice and Courts Act 2015 provide a number of definitions for clarity:

Disclose (section 34(2) and (3))

Something is **disclosed** if it is given, shown or made available by any means.

This applies irrespective of whether it is given, shown or made available for financial or other reward, or whether it has previously been given, shown or made available to a particular individual.

Photograph or film (section 34 (4), (5) and (6))

This is a still or moving image, or part of an image, originally captured by **photography or filming**. Filming means making a recording on any medium from which a moving image may be produced. A photograph or film can be in any form that appears to, and in fact does, consist of, or include, one or more photographed or filmed images. For example, negative versions, or any data stored by any means capable of being converted into a photograph or film.

It also includes photographed or filmed images that have been altered in any way (eg, by combining two or more images or by combining a photograph or film image with something else through, for example, the use of a computer programme, splicing or superimposing).

Private (section 35 (2))

A photograph or film is **private** if it shows something of a kind not ordinarily seen in public.

Sexual (section 35 (3), (4) and (5))

A photograph or film will be deemed **sexual** if it shows all or part of an individual's exposed genitals or pubic area. It will also be sexual if an element, or the content as a whole, is such that a reasonable person would consider it to be sexual because of its nature. An altered image will not be private or sexual if:

- it does not consist of, or include, an image that is itself private or sexual
- it is only private or sexual by virtue of the alteration or combination (eg, a non-private or non-sexual photograph or film has been altered or combined to make it private or sexual, or placed next to another photograph or film in a way that the whole appears to be private and sexual)
- it is only by virtue of the alteration or combination that the relevant individual is shown as part of, or with, whatever makes the image private or sexual eg, a non-private and non-sexual image of the relevant individual has been merged with a sexual photograph or film that did not originally feature the relevant individual

CPS guidance

The Crown Prosecution Service (CPS) has also updated its [guidance](#) to reflect the change in legislation.

If an allegation of revenge pornography is identified, investigators should consult their local CPS prosecutor for advice at an early stage of the investigation to determine the most appropriate offence.

Section 33 of the Act provides a number of defences. For further information see the CPS guidance on [defences](#).

Conviction under the new offence will attract a maximum sentence of two years, or a fine, or both.

Further information

Ministry of Justice (2014) Revenge Porn - The Facts

APP on Indecent images of children

APP on Responding to child sexual exploitation

Ministry of Justice Criminal Justice and Courts Act 2015 Circular 2015/01

About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

college.police.uk



Follow us
@CollegeofPolice