

<b>Policy Name:</b>	<b>CYBER AND TECHNOLOGY CRIMES</b>		
<b>Policy #:</b>	OP 4.15	<b>Last Updated:</b>	2022-01-27
<b>Issued By:</b>	INVESTIGATIVE SERVICES BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
		<b>Review Frequency:</b>	AS REQUIRED

**RELATED POLICIES**

*AD 9.1 Authorized Use of Computing Environment and Electronic Communications*

*OP 4.25 Fraud Investigations*

*OP 4.34.10 Sex Offences*

*OP 5.1 Seized Property*

*OP 5.1.1 Currency and Cryptocurrency*

*OP 5.1.2 Digital Evidence Management*

**1. PURPOSE**

- 1.1. To provide guidelines and establish a framework for Surrey Police Service (SPS) Members responding to or dealing with incidents of cyber and technological crime.
- 1.2. To provide roles and responsibilities of Digital Forensic Unit (DFU) Investigators.
- 1.3. To provide roles and responsibilities for Members and Internet Child Exploitation (ICE) Investigators investigating occurrences involving child pornography and child luring offences.

**2. SCOPE**

- 2.1. This policy applies to all SPS Members.

### 3. POLICY

- 3.1. Police investigations may involve seizing digital media, cryptocurrency or electronic devices that contain evidence of a crime. The forensic recovery of the digital files or digital data could be vital to obtaining evidence for a successful criminal prosecution.
- 3.2. The Digital Forensics Unit (DFU) provides specialized technical investigative support and assistance to Members in the areas of computers, digital storage, cellular device forensic examinations and digital data recovery.
- 3.3. With the exception of child exploitation and child pornography investigations, DFU Investigators provide investigative support to Members investigating offences that have an online component.
- 3.4. The Internet Child Exploitation (ICE) Team will coordinate all investigations where child pornography is created using a real child by photographic or video graphic means. The DFU will assist ICE Investigators in the recovery of digital evidence relating to child exploitation and child pornography investigations.
- 3.5. The ICE Team will assume responsibility of all investigations within the following criteria:
  - i. There is an ongoing risk to the community and the ability to identify the offender is beyond the resources available at the frontline policing level;
  - ii. the offence includes one or more of the following criteria:
    - a. the offender is known or suspected to have been previously involved in a similar offence;
    - b. the incident involves an offence under section 163.1(2) and (3) of the *Criminal Code*, (Making, Distributing, Importing, Exporting, Sale of Child Pornography, Possession for the Purpose of Publication, Distributing, Importing, Exporting and Sale of Child Pornography), excluding self/peer exploitation (SPEX);
    - c. luring a child (s. 172.1 of the *Criminal Code*); or
    - d. Agreement or Arrangement – Sexual Offence Against Child (s. 172.22 of the *Criminal Code*).

### 4. PROCEDURE

**S. 15** [REDACTED]

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## APPENDIX A: DEFINITIONS

“Child Pornography” means

- a) photographic, film, video, or other visual representation, whether it was made by electronic or mechanical means:
  - that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
  - the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;
- b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under section 163(1) *Criminal Code*;
- c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under section 163(1) *Criminal Code*; or
- d) any audio recording that has as its dominant characteristic the description, presentation, or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under section 163(1) *Criminal Code*.

“Digital and Electronic Devices” means, but is not limited to, computers, hard drives, tablets, cellular devices, other mobile devices, and electronic storage media including CD/DVDs, USB thumb drives, memory cards, and digital cameras.

“Internet” means a computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

“Luring a Child” means the offence committed when a person, by a means of telecommunication, communicates with:

- a) person who is, or who the accused believes is, under the age of 18 years, for the purpose of facilitating the commission of an offence under subsection 153(1), section 155, 163.1, 170 or 171 or subsection 212(1), (2), (2.1) or (4) of the *Criminal Code* with respect to that person;
- b) person who is, or who the accused believes is, under the age of 16 years, for the purpose of facilitating the commission of an offence under section 151 or 152, subsection 160(3) or 173(2) or section 271, 272, 273 or 280 of the *Criminal Code* with respect to that person; or
- c) person who is, or who the accused believes is, under the age of 14 years, for the purpose of facilitating the commission of an offence under section 281 *Criminal Code* with respect to that person.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Online Investigation” means an investigation conducted via the Internet, including online communication with persons, using sources such as search engines, chats, social networking sites, various platforms, and blogs to examine online activity, gather information, and capture electronic evidence.

“Open-Source Information Gathering” means gathering information via the Internet, which may include communicating with victims or witnesses online, but does not include communication with suspects or

persons of interest, using sources such as search engines, chats, social networking sites, various platforms, and blogs to examine online activity, gather information, and capture electronic evidence.

“PRIME” means the Police Records Information Management Environment, the provincial police records management system.

“Self/Peer Exploitation (SPEX)” also known as sexting, means when a person creates, sends, or shares sexual images and/or video via the Internet and/or other electronic devices.

“Spam e-mail” means unsolicited electronic mail, text message or junk news group posting.

“SPS” means the Surrey Police Service.

“Social Media” means websites and online applications that allow people and organizations to create, share, and exchange content or to participate in social networking.

“Supervisor” means Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of the SPS.

“Tele-communication” – Child Exploitation, in reference to child exploitation, means the practice of transmitting information by electromagnetic means, including computers and/or cellular telephones.

“Undercover Operation – Internet Facilitated Investigation” means an Internet facilitated investigation in which:

- a) an officer needs to gather information from membership based, private or restricted sources or communicate with any person online or in person for an extended period to advance an investigation, gather evidence and monitor online activity;
- b) an officer is not identified as a police officer during the investigation, communication, or interaction, and may portray themselves as something or someone else to advance the investigation.



## **APPENDIX B: REFERENCES**

*Criminal Code*, R.S.C. 1985, c. C-46, ss. 163(1) and 172.1(1)

*Police Act*, R.S.B.C. 1996, c. 367

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