

Thursday, 17 September 2026

(9.00 am)

(Off camera)

SIR ADRIAN FULFORD: Yes, Mr Jamieson.

Introductions

MR JAMIESON: Sir, good morning to you and to all of our Core Participants. Welcome to the Inquiry's Seminar 6A, which is violence-fixated individuals, the effectiveness of current laws, systems and orders: legal powers and offline disruption.

Sir, we have four seminar speakers today from three organisations and with your leave I will introduce them to you now.

Firstly from the Youth Justice Board we have Ms Cheryl de Freitas. She is the Chief Operating Officer of the Youth Justice Board for England and Wales. She began her career in education before undertaking a role in a ministerial private office working on a range of policy roles focused on addressing social disadvantage, and tells us she played a leading role in developing and delivering programmes aimed at improving outcomes for families experiencing multiple and complex challenges.

She subsequently moved into local government where she worked to develop family intervention services,

1

National Police Chiefs' Council to develop guidance impacting children, including contributions to the Child Gravity Matrix. More recently she supported the Home Office and the Ministry of Justice in the development of the Government's guidance on child knife possession.

Before joining the Youth Justice Board in 2020, Ms Langley was the Head of Youth Justice in Gloucestershire and then worked at various Youth Justice Services, predominantly in London before that.

Our second speaker -- our second organisation is Shenaz Muzaffer. Ms Muzaffer is the Deputy Chief Crown Prosecutor in the Crown Prosecution Service. She holds a first class degree in law from the University of Nottingham and is a member of the Bar. She spent 11 years as a barrister, prosecuting the full range of criminal offences before joining the CPS International Division. In that role, she worked overseas in the Seychelles, the UAE and is a Liaison Prosecutor to the USA advising on mutual legal assistance and extradition issues regarding transnational and serious organised crime.

From August 2019 onwards, she oversaw a network of CPS Liaison Prosecutors deployed overseas in 20 different countries and has led the CPS on their international engagement.

3

initiatives to strengthen Children's Social Care. She then had her first tenure at the Youth Justice Board where she held a number of senior leadership roles, including responsibility for safeguarding, and a performance improvement role in England and Wales.

Then between 2023 and 2025, she served as the Deputy Director for Grenfell Engagements at the Ministry of Housing, Communities and Local Government and led engagement work with the Grenfell community. She then returned to Youth Justice Board as Chief Operating Officer and now provides strategic and operational leadership across the organisation.

Ms de Freitas is accompanied from the Youth Justice Board by Ms Kate Langley and the two will present their seminar together.

Ms Langley is the Director of Operations South at the YJB where she leads on the delivery of the organisation's oversight framework across the south of England, responsible for ensuring effective monitoring and performance of Youth Justice Services. In her work she has led the development of the YJB's case management guidance on out of court resolutions, something we will be looking at today, which was published in January 2024.

She's also worked in close collaboration with the

2

Finally, sir -- and I should have said at the outset that these proceedings are being broadcast in audio only and not in video -- your fourth speaker comes from the National Crime Agency, where she is a manager in the National Cybercrime Unit. For good reason, we are not providing the officer's name or identifying details so this biography is necessarily truncated. I can say that the officer works in tackling the threat from cyber crime, including cyber investigations involving ransom attacks, extortion and network intrusion.

With that, please may I invite Ms Langley and Ms de Freitas to come up to the podium and present their seminar. Thank you very much.

MS DE FREITAS: Good morning all. So as alluded to, there is two of us today to try and cover both the national system perspective and the operational detail.

We will address the Chair's questions in three parts: first, how existing youth justice frameworks respond to children who present a risk to serious violence; second, what happens before any statutory thresholds are met and how earlier intervention can remain proportionate; and third, the practical challenges facing Youth Justice Services and their partners.

Our first slide shows a simple outline of the youth

4

justice framework. The key distinction shown is that between statutory youth justice service caseload, which is set above the line, and the wider Prevention and Diversion work, which is undertaken by Youth Justice Services, which are set below the line, a child would generally enter the statutory caseload when the child receives a formal outcome requiring youth justice service involvement. This includes court sentences managed in the community, such as Referral Orders and Youth Rehabilitation Order.

Custodial sentences such as detention and training orders and some civil or preventative orders are also a category that Youth Justice Services has statutory supervision or case management role in.

Although preventative rather than conventional criminal sentences, civil orders are established through legislation and impose legal enforceable requirements or prohibition, so they require youth justice involvement but not every civil order brings a child into the statutory caseload.

Formal out of court resolutions, namely youth conditions and youth conditional cautions, also have a statutory basis. They are not court sentences but the legislation specifies a role for the Youth Justice Service in notification, assessment and

5

a risk or need is identified, but before a formal outcome.

The key distinction between statutory supervision and voluntary work remains important when responding to children who present a risk of serious harm as the earlier their engagement, the more successful the likelihood of preventing offending.

We will now look at the routes available before a child enters the statutory caseload, including prevention, diversion and assessment.

Where a child does not meet clear safeguarding mental health or terrorism-related thresholds, we would generally expect concerns to be considered through local multi-agency safeguarding arrangements. These are often referred to as MASH. These arrangements bring together agencies that include Children's Social Care, education, health, and police, to assess risk, identify unmet need and determine the most appropriate response.

In practice, it would be unusual for a child causing significant concern not to have some form of safeguarding, welfare, mental health, educational or wider need or vulnerability. In most cases, therefore, early intervention support should be coordinated through safeguarding, Early Help, children's services, or a specialist pathway.

7

intervention, and the nature of and extent of that role will differ according to the outcome.

Alongside the statutory work, Youth Justice Services provide Prevention and Diversion support in line with the principal aim of this system to prevent offending. Prevention and Diversion activity enables that earlier work, where a child has not received a statutory outcome, but their behaviour, circumstances or unmet needs indicate a risk of offending or further harm.

Most prevention work is informal diversion, voluntary and cannot be enforced through the courts. The evidence supports this voluntary approach but not every informal outcome involves referral to a Youth Justice Service and some informal outcomes can be issued and managed solely by the police.

Youth Justice Services therefore might not have visibility of some children receiving these informal outcomes and the Prevention and Diversion work they undertake is reliant on identification of concerns by partners, referral into the Youth Justice Service, and engagement from the child, family, their carers.

The important point is that Youth Justice System is wider than the statutory caseload and children may receive support through prevention, diversion, safeguarding or wider partnership arrangements when

6

Where multi-agency partners conclude that a child does not meet those thresholds but remains of considerable concern, referral to a youth justice prevention or diversion service could be considered. However, the Youth Justice Service is not the named statutory duty holder for this wider group of children and these children do not automatically form part of their statutory caseload.

For Youth Justice Services to take on this responsibility more substantially for wider earlier intervention cohort, that would have significant implication for their roles, capacity and resources and it could net-widen or over-criminalise children.

It is also important to recognise that Prevention and Diversion services are not delivered through a single national model. The offer varies according to local need. Partnership arrangements, commissioning decisions and available resources. Some services have extensive provision and broad referral routes, others operate a more limited or targeted offer. There is therefore no universal prevention service available to every child across England and Wales.

Prevention and Diversion can provide important opportunities for early intervention, but they don't provide the full visibility of all children who might

8

raise concerns.

It is also important that efforts to strengthen early intervention don't inadvertently create a net-widening or over-criminalisation. Early intervention could mean bringing more children unnecessarily into the formal youth justice process. For most children, the initial response should continue to be delivered through safeguarding, Early Help, education, health, family support and voluntary prevention pathways.

We would suggest the objective should be to provide support earlier and more consistently with clear multi-agency ownership rather than creating a new category of child subject to a youth justice intervention because concerns have been raised about behaviour, interests or vulnerabilities. A system that can provide structured national targeted prevention approach that can be locally tailored should be the goal. The Government's Young Futures Prevention Partnerships provide an approach that could further support this.

Focusing on children, once they are considered to have delivered fixed or serious interest in violence, is reactive and prevention provides an opportunity to intervene earlier and before behaviour escalates before

9

strengths. Their work can include re-engagement with education, access to health and wellbeing support, safety and exploitation planning, help for family, positive activities and stronger community support, and the plan should be developed with the child, with the aim of providing and building protective factors, reducing the risk and supporting sustainable positive outcomes. Prevention, therefore, can play a really valuable role but it sits within a wider local system of Early Help, safeguarding and specialist support and it should not be viewed as a nationally consistent route or as the mechanism through which every child of concern will be identified.

We have offered some examples to illustrate the breadth of approaches used by Youth Justice Services. They aren't intended to suggest that each programme is available nationally or that there is a standard local offer. I will talk very briefly through two of these examples. Positive Interventions Programme works with children showing signs of anti-social behaviour or potential involvement in offending, including students who have committed offences in school but have not been formally processed through the youth justice system. A named worker coordinates one-to-one work on issues such as knife crime, bullying and relationships together

11

the child enters the formal youth justice system.

Children in targeted prevention cohort may have come to the attention of local services because of anti-social behaviour, emerging offending behaviour and association with offending peers or other indicators that may be at risk of entering the youth justice system.

Many will also have wider needs relating to safeguarding: education, mental health, exploitation, their own family circumstances or social exclusion.

A child can be referred to a service by a partner agency where there is a view that targeted prevention support could reduce the risk of offending or further anti-social behaviour, but again the offer is locally determined rather than universal. Engagement is voluntary and it is not directed by a court. So it is also not part of the statutory caseload as I have mentioned.

The voluntary nature of prevention is one of its strengths. Evidence-informed practice tells us that intervention is more effective when a child engages willingly, develops a trusted relationship with a practitioner and is supported to understand the factors underlying their behaviour, rather than being subject only to enforcement.

Youth justice practitioners consider both needs and

10

with education on exploitation on online safety and restorative conversations.

Functional Family Therapy model is an evidence-based model that addresses behavioural difficulties within the family context. It aims to increase hope, reduce blame and negatively and support families to learn and practice new skills together.

Although all of these models differ, the common principles are early intervention, trusted relationships, a whole child or whole family approach and work that builds strengths while addressing needs and concerns.

I will pass to Kate now to take you through assessment tools, the use of diverse and community orders.

MS LANGLEY: Thank you, Cheryl.

The Prevention and Diversion Assessment Tool, or PDAT as it is known, supports structured assessment and planning across diversion pathways. It is not mandated for formal out-of-court resolutions -- sorry, it is mandated for formal out-of-court resolutions and for specified informal out-of-court resolutions which include community resolutions and deferred prosecutions where the child is referred to the Youth Justice Service.

12

The PDAT may also be used where the child is referred into a youth justice prevention programme, but its use for prevention is not mandated nationally. That is determined locally and some services may use alternative intervention approaches. This distinction is important because there is greater consistency in assessment for diversion cases than there is across prevention work more broadly.

PDAT helps practitioners consider information from the child, family, and partner agencies. It helps to identify strengths, needs and to build a plan. It is not simply a tool for identifying imminent risk. It supports a wider understanding of the child's behaviour, attitudes and beliefs, their circumstances, vulnerabilities and protective factors to inform the development of an effective plan.

For the purposes of this seminar, an important feature is the dedicated section on safety to others. The guidance prompts practitioners to consider the nature and seriousness of concerns, factors that may increase or reduce those concerns and relevant information such as radicalisation, online access or activity, attitudes towards specific groups such as women and girls, and whether behaviour may pose a risk to other people.

13

review. Practitioners gather and analyse information from the child, the parents and relevant partner agencies. The assessment considers offending behaviour, behaviours of concern, vulnerabilities, safety and wellbeing, strength and protective factors, and risk of harm to others.

As the slide illustrates, AssetPlus prompts consideration of indicators that may be relevant to serious violence. These can include violence in the home, school or community, involvement in hate-based behaviour, threats to cause serious harm, behaviour driven by problematic or obsessive interests, and indications that a child may be preparing or planning to commit offences.

The purpose is not to label a child or assume that the presence of a particular indicator predicts a serious incident. The framework supports practitioners to explore patterns, context, cumulative concerns and changing circumstances and then apply professional judgement.

Where concerns are identified, these should inform the intervention plan and risk management arrangements.

The Youth Justice Service works with safeguarding and public protection partners so that information is shared appropriately and the risk and vulnerabilities are

15

The examples in the blue box show the type of questions practitioners may explore. They do not operate as a diagnostic checklist. The PDAT structures the enquiry and supports professional judgement. It does not replace professional analysis or multi-agency information sharing.

It is important to recognise that Youth Justice Services can only identify and assess these concerns where a child is known or referred to them. Youth Justice Services are not a universal identification service for all children displaying concerning behaviour. Identification often depends on referrals, information sharing and effective partnership working across police, education, health, Children's Social Care and safeguarding agencies. The assessment should therefore lead to an individual plan that seeks to both reduce concerns about safety and to address the child's wider needs and strengths.

The previous slide considered PDAT prevention and conversion. This slide moves into the statutory youth justice caseload where AssetPlus provides a more comprehensive assessment, used once a child is subject to a court order or other statutory interventions.

AssetPlus provides the foundation for sentence planning, intervention, risk management and ongoing

14

understood collectively. Depending on the circumstances, this may involve local safeguarding arrangements, specialist partnership meetings, or MAPPA where the criteria are met.

AssetPlus has been used for a number of years but practitioners can apply the framework through a Child First evidence-base and trauma-informed lens, drawing on current understanding of child development, trauma, neurodiversity, safeguarding and assistance. The key point is that assessment must understand the whole child, while ensuring concerns about the safety of others are identified and actively addressed.

We will now move from assessment to the youth justice outcomes available once offending has occurred and consider how suitable these outcomes may be, where there is a serious violence concern.

This slide summarises the sentencing options available to courts in England and Wales when dealing with children who have been convicted of offences. The range extends from lower level community -- lower level outcomes through to community sentences and, for the most serious offences, custody.

Some of the more serious sentences will be imposed by the Crown Court rather than the youth court. A key feature of the youth justice system is that courts are

16

supported by specialist advice from the Youth Justice Service. Before the significant community and custodial sentences listed on the slide is imposed, the Youth Justice Service will prepare a court report, after meeting with the child, carers or parents and relevant partner agencies.

The report helps the court to understand the child's circumstances, their strengths, their needs, vulnerabilities, and any factors contributing to their offending and any concerns relating to the safety of others. It also enables the Youth Justice Service to advise on the suitability of sentencing options, proposed interventions, supervision and risk management.

The sentences listed include Referral Orders, youth rehabilitation orders, detention and training orders, section 250 sentences for serious offences, the special sentence of detention for terrorist offenders of particular concern, extended sentences of detention, discretionary life sentences and mandatory life sentences.

For most children, sentencing should support rehabilitation. It should address the factors associated with offending and promote positive outcomes while managing identified risk. Custodial sentences are reserved for the most serious cases where a community

17

opportunity to undertake a structured assessment.

For a child displaying a serious interest -- an interest in serious violence, we would strongly recommend that any decision is underpinned by assessment, and wherever possible joint decision-making between police and Youth Justice Services. This is reflected in the case management guidance and the Child Gravity Matrix police decision-making tool, which recommends Youth Justice Service referral and joint decision-making in most cases and where possible.

The reason is that assessment can bring together important information about vulnerability, safeguarding, exploitation, education, family circumstances, neurodiversity, attitudes and beliefs, risks to others and protective factors. Where a decision is made by one agency without that assessment, the full context may not be understood and the opportunity for an appropriate intervention may be lost.

We would not recommend an outcome that did not provide an assured or mandatory intervention for a child presenting a serious interest in violence. A community resolution or a youth caution with no intervention may dispose of the offence but it does not ensure that the child's behaviour or underlying needs will be addressed.

The case management guidance advises that youth

19

sentence would not be appropriate.

The important qualification is that a sentence is a legal framework for intervention and control. It does not in itself manage risk. Effectiveness depends on the quality of assessment and recommendation, the design and delivery of intervention, active oversight, the child's engagement and wider multi-agency support.

Diversion provides alternatives to prosecution where a child has admitted an offence and an out-of-court response is considered appropriate.

The aim of this is not simply to avoid courts, but to provide a proportionate response that can address behaviour, unmet need and factors linked to further offending. Formal out-of-court resolutions are youth cautions and youth conditional cautions. Informal outcomes include community resolutions, deferred prosecutions and deferred cautions. Deferred outcomes differ from a simple voluntary intervention because a formal outcome may follow if the child does not engage or complete what has been agreed.

A key issue is that not every informal outcome includes a referral to the Youth Justice Service. Some decisions, particularly at the lower end, may be made and managed solely by police. The Youth Justice Service therefore may not have visibility of the child and no

18

cautions without intervention should be minimised and that consideration should be given to other options that provide support without unnecessary stigma. For this cohort, the appropriate response should include structured assessment, meaningful intervention and sufficient oversight to reduce further risk.

The key point is that diversion should be treated as an opportunity to assess and intervene, not simply as a route away from prosecution. Its effectiveness depends on the quality of assessment, joint decision-making, and access to interventions, capable of addressing both need and risk.

Referral orders are founded on the principles of restoration, reparation and reintegration. For many children, a Referral Order represents the first substantive intervention delivered following a court sentence. It provides an opportunity to address the offending, understand underlying needs and support positive change.

Referral orders can vary in length and intensity, including an intensive version that can provide a level of intervention comparable with intensive supervision and surveillance. They are intended to be individually tailored and can address both welfare needs and concerns relating to the safety of others.

20

A central feature is the contract agreed between the child and the Referral Order panel. The contract may include work to address offending behaviour, repair harm, improve engagement with education, respond to safeguarding concerns and address factors contributing to an interest in violence. The child's progress and compliance are monitored through panel reviews attended by the child and, where appropriate, parent or carer.

The contract can include expectations around boundaries, for example around attendance, engagement, whereabouts or participation in interventions. Those expectations can provide structure but they are based on agreement through the panel process. They are not equivalent to restrictions imposed directly by the court and electronically monitored.

The legislative framework and formal guidance have not been substantially updated for some time, while the evidence base and youth justice practice have evolved.

In practice, referral orders can be delivered flexibly through Child First and trauma-informed approaches, drawing on current understanding of child development, trauma, neurodiversity, safeguarding and assistance.

That flexibility is a strength. But the existence of a referral -- for Referral Order does not in itself manage risk. For a child where there are concerns about

21

children. ISS combines intensive supervision, structured activity and close monitoring and may provide an alternative to custody.

For children where there are concerns relating to serious violence, a YRO can provide a framework for both intervention and external controls. Programme and supervision requirements may address the behaviour and underlying drivers. Prohibited activity, curfew and exclusion requirements can place controls on behaviour or movement, and electronic monitoring can be used where authorised and appropriate.

This is an important distinction from a Referral Order. A Referral Order contract can contain agreed expectations, such as being home by a particular time, but a YRO enables the court to impose enforceable requirements and, where applicable, electronic monitoring.

The proposed requirements and interventions should be informed by AssetPlus and information from partner agencies. The youth justice practitioner identifies a package that addresses serious violence concerns alongside safeguarding needs, vulnerabilities and wider unmet needs.

Although the statutory framework has been in place for some time, YROs can be delivered through Child First

23

serious violence, the order should be informed by a thorough assessment and should include targeted intervention, and active oversight proportionate to the identified needs and risks. Effectiveness, therefore, depends on professional judgement, the quality and intensity of the intervention, review by the panel, information sharing and wider partnership arrangements.

That qualification is particularly important in the context of the Inquiry's consideration of the Referral Order in this case.

Youth Rehabilitation Orders. A Youth Rehabilitation Order, or YRO, is the principal community sentence available where the court considers that a more structured or intensive intervention is required.

It enables one or more requirements to be imposed and tailored to the child's offending behaviour, needs, risks and circumstances. The legislation provides a menu of potential requirements. These include supervision, programmes, education, prohibited activity, curfew, exclusion, treatment and residence requirements.

These requirements recommended and imposed should be necessary and proportionate, support desistance and contribute to community safety. When accompanied by intensive supervision and surveillance, a YRO is the most restrictive community sentence available for

22

and trauma-informed practice. Requirements should not be viewed only as controls; they should form part of a coherent plan to engage the child, build protective factors and address the factors linked to offending. A YRO may sit alongside safeguarding, public protection and specialist partnership arrangements, including MAPPA where appropriate.

As with every other order, the sentence alone cannot manage the risk. Effective delivery requires coordinated planning, information sharing, oversight and access to the right interventions.

This slide draws together the strengths and limitations of referral orders and Youth Rehabilitation Orders, where there are concerns relating to serious violence. For many children a Referral Order is the first substantive intervention following a court sentence. Its main strength is flexibility. The contract can be tailored to address offending, an interest in violence, education, family circumstances, safeguarding and unmet need. The panel process also creates regular opportunities to review engagement and progress.

A Referral Order can contain agreed expectations and boundaries. However, these rely more heavily on agreement, engagement and effective delivery and do not

24

provide the same externally enforced controls as a YRO.

A Youth Rehabilitation Order provides a more intensive and structured framework. The court can impose requirements, including programmes, supervision, prohibited activity, curfews, exclusion and electronic monitoring. Where necessary and proportionate, this gives a greater degree of external control and oversight. With ISS it is the most restrictive community sentence available for children.

For serious violence concerns, a YRO may therefore offer a broader range of tools than a Referral Order. However, it would be misleading to suggest that the order itself resolving the risk. Even restrictive controls operate for a defined purpose and period, and sustainable risk reduction still depends on understanding and addressing the factors driving the behaviour.

Both orders can support Child First, trauma-informed and individualised practice. Both may sit alongside wider safeguarding or public protection arrangements. Their effectiveness depends on the quality of the assessment, intervention, review, professional judgement and coordinated multi-agency management.

The final limitation is that neither order is available until offending has occurred and the child has

25

faced when children presenting emerging concerns relating to serious violence.

Youth Justice Services work within a multi-agency framework and, depending on collaboration and information sharing with police, Children's Social Care, education, health, probation and safeguarding partners. No single agency in that multi-agency arrangement is likely to hold the complete picture of the child's needs, vulnerabilities, behaviour and risks.

One challenge is that agencies can apply different thresholds for intervention, referral and support. A concern can meet the threshold for one service but not another. Local referral pathways also vary, particularly in prevention, which can make it difficult for practitioners and families to identify the most appropriate route.

Information sharing, as has been noted throughout, is a recurring issue. Relevant information may be held across several agencies but not brought together proactively or quickly enough to understand cumulative risk. You have incomplete IT systems that can create practical barriers and while workforce vacancies, gaps in specialist provision and limited partner capacity can also delay assessment or intervention.

Some children don't fit neatly into the existing

27

been sentenced. They are important mechanisms for intervention and management but they do not replace effective prevention, Early Help, and safeguarding activity before a child enters the court system.

Overall, the existing youth justice framework contains a reasonably broad range of assessment intervention and control mechanisms once a child has entered the system. Its principal limitation is not necessarily the absence of legal disposals but the access depends on an offence or referral having occurred. The intervention attached to an outcome may vary and no disposal can substitute for effective assessment and coordinated multi-agency delivery. The framework is therefore potentially capable, but its effectiveness is uneven and it is less well equipped to provide a consistent response before criminal thresholds are crossed.

I'm now going to hand back to Cheryl who will talk about some of the operational challenges.

MS DE FREITAS: Thank you. So having considered the available youth justice interventions and court orders, we will now turn to the wider operational challenges for the multi-agency system.

So this slide moves us from individual assessment and interventions to the wider operational challenges

26

frameworks. Their presentation can involve safeguarding mental health, neurodiversity, exploitation, offending or terrorism-related concerns with motivations that are unclear or mixed.

As has been identified, there's no single nationally agreed framework for identifying and assessing every child in this group. So, practitioners rely heavily on professional judgement and multi-agency discussion. A further challenge arises when a child or family does not engage with voluntary support, but significant concerns remain.

We strongly consider that disengagement should not automatically result in criminal justice involvement, but nor should it mean that concerns are simply closed. Instead it should prompt continued proportionate multi-agency review, clarification of lead responsibility, active information sharing and consideration of whether safeguarding, mental health or other statutory thresholds have changed as circumstances evolve.

Perhaps the most significant challenge is diffusion of responsibility. Several agencies may be involved, but it may not be clear who is coordinating the overall response, maintaining the cumulative picture or ensuring that agreed actions happen.

28

1 The practical implication is the need for proactive
2 information sharing, clear escalation routes, shared
3 ownership and a named lead who can maintain oversight as
4 circumstances change.

5 Effective work on serious violence depends not only
6 on the quality of an individual youth justice
7 intervention, but on the ability of the wider
8 partnership to act coherently around the child and the
9 family. From a national oversight perspective, our
10 visibility and assurance are strongest when a child has
11 been referred into a Youth Justice Service and is
12 subject to a structured assessment or statutory
13 intervention.

14 But this oversight is more limited where the child
15 remains below youth justice thresholds, or is being
16 managed through locally determined prevention, Early
17 Help, safeguarding, health, education or police
18 arrangements.

19 This means that nationally we cannot currently be
20 certain that children presenting this pattern of concern
21 will encounter a consistent referral route,
22 an assessment framework or intervention offer.

23 Further clarity is therefore required about which
24 partnership is responsible for convening the response,
25 who holds continuing oversight of cumulative concern,

29

1 agencies. Guidance or reporting mechanisms on their own
2 are unlikely to be sufficient if families don't believe
3 that services will respond consistently and
4 proportionately. Our engagement also highlighted high
5 thresholds, fragmented pathways, delays in accessing
6 specialist support and uncertainty about who should lead
7 when a child's needs cross several services.

8 Assessments and referrals did not always translate
9 into a coordinated response, and the perspective of
10 carers, parents and frontline practitioners were not
11 always felt to be heard or provided with a clear route
12 to action. Participants pointed towards themes that are
13 not new: the need for a more integrated response;
14 a named and trusted professional providing continuity;
15 models that bring together youth justice expertise with
16 social care, education and health and specialist
17 services; and earlier support for education, mental
18 health, neurodiversity, exploitation and safeguarding
19 needs.

20 The central learning that came from this engagement
21 is captured in the slide's title, and that's "trust must
22 lead to action", because effective arrangements must not
23 only help people to raise concerns; they have to connect
24 those concerns to clear ownership, timely support and
25 a coordinated response that children and families can

31

1 how cases should be escalated when individual thresholds
2 are not met but the concerns remain, and how information
3 should follow the child across services and transition
4 points.

5 Any additional capability would need to be genuinely
6 multi-agency and appropriately resourced, rather than
7 simply extending the statutory responsibility of Youth
8 Justice Services to a much wider group of children.

9 I'm going to share some of the learning that we had
10 from our engagement following a recommendation from
11 Phase 1, because the slide summarises some of what we
12 undertook in speaking with families, practitioners and
13 agencies, identifying concerns and how to access support
14 earlier.

15 A consistent message was that identifying concerns
16 was only the beginning, and parents and carers often
17 recognise that escalating concerns before a child came
18 to the attention of a statutory service, but did not
19 always know where to turn or feel confident that
20 reporting would produce that timely and meaningful
21 response.

22 Trusted relationships were repeatedly identified as
23 critical. A known professional can enable disclosure.
24 They can maintain engagement, help a family navigate
25 complex systems and coordinate information across

30

1 engage with.

2 Similarly, we have drawn together recurring themes
3 from serious incident notifications received by the
4 Youth Justice Board. Serious incidents reporting and
5 review allow us, as an organisation, to look beyond an
6 individual event and identify patterns that may have
7 wider relevance to the Youth Justice Services and
8 partners.

9 The first theme is that risk often accumulated over
10 time. In the cases reviewed, serious incidents were
11 commonly preceded by overlapping concerns, such as
12 neglect, domestic abuse, exploitation, mental health
13 needs, neurodiversity, substance use and disrupted
14 education. Looking at any one concern in isolation,
15 understates the overall picture.

16 The second theme is that children were themselves
17 experiencing significant harm or vulnerability while
18 also presenting a risk to others. These aren't mutually
19 exclusive categories. Effective assessment must
20 understand both the child's needs and the potential
21 impact of that child's behaviour on other people.

22 The reviews do not usually show a complete absence
23 of professional involvement. Several agencies were
24 often engaged and substantial information was known.
25 The weakness was that assessments, referrals and plans

32

1 didn't always combine into one sustained response.
2 Information could remain distributed across
3 organisations and the cumulative pattern wasn't visible
4 or acted upon.

5 Continuity was another recurring issue. Oversight
6 and support could be weakened through case closure,
7 redirected referrals, changes of worker, limited
8 engagement, disrupted education or placement changes.
9 The underlying concern might remain even though
10 a particular service had ended its involvement.

11 These themes point to the need to assess cumulative
12 risk over time, join information across agencies,
13 maintain shared ownership through transition and test
14 whether referrals have actually led to effective
15 support. Where engagement falls away, the response may
16 need to change rather than simply close. The
17 overarching lesson is that recording a concern is not
18 the same as managing it, and the important question is
19 whether that concern changed the assessment,
20 strengthened the plan and led to coordinated, sustained
21 action.

22 We move finally to some case studies presented.
23 These illustrate the themes just described and they
24 should be viewed as learning examples, not as an attempt
25 to suggest that every child follows the same pathway or

33

1 has led to meaningful intervention and adapt the plan
2 where the child doesn't engage or the required service
3 is unavailable.

4 The key question is who held the cumulative picture?
5 Who coordinated the response and what happened through
6 transition or case closure? And what changed when
7 support was delayed, declined or didn't meet the child's
8 needs? They are central to learning from serious
9 incidents and to strengthening earlier responses.

10 Our closing message is that the youth justice system
11 has a range of tools for prevention, assessment,
12 diversion, intervention, and court-ordered control and
13 these can provide effective opportunities to identify
14 concerns, address underlying needs and manage risk where
15 children come to the attention of the Youth
16 Justice Service. But Youth Justice Services are not
17 universal identification services, and children of
18 concern will be known initially through other partners:
19 safeguarding, education, health, police or wider
20 community pathways.

21 The evidence suggests that the principal challenge
22 is not the absence of powers or disposals, but ensuring
23 that concerns are identified early, information is
24 brought together effectively and there is a multi-agency
25 ownership where children do not meet a single agency

35

1 that one decision alone explains a serious incident.
2 But across the cases there have been substantial contact
3 with children's services and other agencies. The
4 histories included neglect and domestic abuse,
5 exploitation, substance use, disrupted education, mental
6 health concerns and suspected neurodiversity. Different
7 assessments, plans and referrals were made but these
8 didn't always sustain access to the support.

9 The cases also illustrate how a risk can become less
10 visible: a service may close involvement because the
11 threshold is no longer met, and a referral may be
12 redirected, placement or a school change, or a child may
13 just disengage.

14 Each decision is explicable in isolation, but the
15 broader pattern of vulnerability, unmet need and concern
16 continue.

17 So, another important feature is that children
18 present differently in different settings. Information
19 held by family members, education, police, social care
20 and youth justice need to be combined to understand the
21 full picture. Without a clear lead, no agency can
22 maintain oversight of cumulative risk or whether agreed
23 actions have been completed. The learning is therefore
24 not simply to have more referrals, it is that agencies
25 connect information over time, test whether the referral

34

1 threshold.

2 Strengthening responses should not mean net-widening
3 or unnecessary criminalisation. An earlier intervention
4 should mean earlier access to support, not earlier entry
5 into the youth justice system. We consider the
6 Government's Young Futures Prevention Partnerships
7 provide a mechanism to develop a coherent approach
8 nationally to a targeted prevention model that can still
9 be locally tailored.

10 Across prevention work, serious incident reviews and
11 Phase 1 learning, consistent themes are high quality
12 assessment, trusted relationships, effective information
13 sharing, coordinated partnership working and sustained
14 oversight of cumulative risk. The question is not
15 simply whether concerns are recognised but whether they
16 lead to timely, coordinated and proportionate action
17 that supports a child while protecting others.

18 The key issue is less a lack of youth justice powers
19 and more a lack of consistent ownership, coordination
20 and support before clear thresholds are reached.

21 **MR JAMIESON:** Thank you very much.

22 Sir, may I suggest that we break there and take
23 10 minutes until 10.00 am?

24 **SIR ADRIAN FULFORD:** Certainly, I will rise.

25 (9.51 am)

36

(A short break)

(10.00 am)

SIR ADRIAN FULFORD: Yes, Mr Jamieson.

MR JAMIESON: Thank you, sir. May I invite Ms Muzaffer to come forward, thank you.

Presentation by MS MUZAFFER

MS MUZAFFER: Chair to the Inquiry, Counsel to the Inquiry, Core Participants, good morning. Thank you for the invitation that has been extended to the Crown Prosecution Service, or CPS, to participate in this panel session concerning the effectiveness of current laws, systems and orders, in the context of responding to individuals who have a preoccupation with extreme violence, without being driven by a primary ideology.

Please allow me to start by briefly outlining the remit of the CPS so that latter parts of this presentation can be put into context.

The CPS is a non-ministerial department, established by statute, which is responsible for prosecuting criminal cases investigated by the police and other law enforcement agencies in England and Wales.

The CPS is headed by a Director of Public Prosecutions operating under the superintendence of the Attorney General, who in turn is accountable to Parliament for the prosecution service.

37

a prosecution is required in the public interest. A range of factors may be relevant to the assessment of the public interest stage, including, but not limited to, the seriousness of the offence, the level of culpability of the suspect, the impact on the community and the age and personal circumstances of the suspect.

We keep both stages of the full code test under active consideration throughout the life of a case, and we review our decision in light of any information which impacts on either limb of that test.

In understanding our statutory remit, it is also important context to understand where that remit ends. As a prosecuting agency we have no role on a statutory footing or otherwise in the assessment or management of risk posed by individuals, either before or after an offence has been committed, and nor can we provide any qualitative assessment as to the effectiveness of existing legislation or processes in managing those risks.

Recognising those parameters, this presentation will outline the approach that may be taken by the CPS to individuals who fall within the Inquiry's definition of VFIs, and we use anonymised operational examples to demonstrate the legal powers that are available and how they may be utilised in any given case.

39

Of critical importance is our independence from Government from the police and from other criminal justice agencies. Our main responsibilities include advising law enforcement agencies during investigations on cases for possible prosecution, reviewing cases submitted to us by the police, determining which cases to prosecute, and for which offences, preparing cases for court and presenting cases before the court.

In short, it is the duty of prosecutors to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible.

As prosecutors we make our decisions in accordance with the principles outlined in the Code for Prosecutors, and to do so we apply a two-stage full code test.

The first stage, the evidential stage, requires a prosecutor to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge under consideration. If the evidential stage is not passed, then irrespective of how serious or sensitive a case may be, it must not proceed.

The second stage, the public interest stage, requires a prosecutor to go on to consider whether

38

Before specifically addressing the three questions that have been allocated to the CPS, it is also important to understand how the CPS approaches the terminology used by the Inquiry. As per the Terms of Reference, the Inquiry has defined violence-fixated individuals as individuals at risk of extreme violence where ideology is not the primary driver. We recognise that the use of that term is being revised as our understanding of the threat develops, and that non-ideological extreme violence is now potentially deemed to be a more accurate representation of the threat.

However, for the purposes of this presentation, I will continue to use the term VFI, although the points that I make have an equal applicability to either of the definitions that are now in use.

The terms VFI is a public policy term and not one that is widely used or recognised within the CPS. Although it may be used by our specialist teams in external engagement, it is not a term that we formally apply to our casework. Whilst our case management system does enable lawyers to flag certain cases for monitoring, that is primarily done on the basis of offence type. For example, domestic abuse cases, modern slavery or rape cases.

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1 We do not categorise cases by reference to the
2 motivation of the offender, except in those cases where
3 the motivation is defined by statute and is an element
4 of the alleged criminal offending.

5 One clear example are offences that fall under
6 terrorism legislation, where the statutory definition of
7 terrorism expressly states that the use or threat of
8 action that is the subject of the criminal conduct must
9 be made for the purpose of advancing a religious,
10 political, racial or ideological cause.

11 There are also instances where an offence may not be
12 charged under terrorism legislation but where the court
13 may determine, even of its own volition or on the
14 submission by the prosecution, that the offence has
15 a terrorist connection which must be treated as
16 an aggravating factor at sentence.

17 That's not to say, however, in other cases, that the
18 motivation of an offender is irrelevant, but rather that
19 it does not form part of the statutory elements that the
20 prosecution has to prove in order to prove an offence.

21 Put simply, if a VFI commits an offence of murder,
22 the prosecution does not have to prove to a jury what
23 the individual's motivation was or that the individual
24 acted because of a fascination with extreme violence.
25 Rather, we just have to prove that the individual did

41

1 an offence threshold.

2 In answering this question it will assist if
3 I outline how and when the CPS becomes involved in
4 a case and the interplay with other criminal justice
5 agencies.

6 The CPS has no investigative function and no
7 safeguarding function before an individual enters the
8 Criminal Justice System. As such, where concerning
9 behaviour is identified before serious harm, or indeed
10 any criminal offence has been committed or suspected,
11 the CPS has no statutory role and no involvement.

12 In the context of VFIs, this may be, for example,
13 where an individual is expressing views that demonstrate
14 a fixation with extreme violence, without an express
15 ideology, but where their conduct goes no further than
16 that. In those circumstances the individual would not
17 be brought to the attention of the CPS and it would be
18 for the police and partner agencies to identify,
19 safeguard and manage any risk.

20 The involvement of the CPS will generally start when
21 a referral is made to us by the police either at
22 a pre-charge stage or for a charging decision to be
23 made. Pre-charge advice or early investigative advice,
24 also known as EIA, occurs when the police consult
25 a prosecutor on the investigative strategy from the

43

1 the act, in other words, that they killed another
2 person; and we have to prove their intent, that they
3 either intended to kill or cause really serious harm,
4 which is different to the prosecution being required to
5 demonstrate the motivation or impetus for an attack.

6 Going back to the CPS therefore, we don't attribute
7 the term VFI to our casework and nor do we specifically
8 monitor casework based on this characteristic. As cases
9 involving VFIs can encompass a wide range of criminal
10 behaviour, we are further unable to identify them
11 through offence type. For those reasons, it is
12 important to note that we consequently have no body of
13 data from which to provide statistical evidence to this
14 Inquiry on the number or type of cases involving VFIs
15 that we have dealt with.

16 Importantly, rather than focusing on a label that
17 may be attached to a category of offenders, we instead
18 look at the conduct, the evidence, and the statutory
19 elements of the potential offences that are available to
20 us.

21 May I turn then to the first question that I have
22 been asked to address, focusing on the effectiveness of
23 existing legal powers and intervention thresholds before
24 serious harm occurs, particularly in circumstances where
25 the concerning behaviour does not clearly meet

42

1 outset of a case, and the prosecutor advises the police,
2 on the evidence that's needed to strengthen and build
3 a case. EIA will often happen in the more complex,
4 sensitive or serious cases. In the case of VFIs, this
5 might include consideration of whether material viewed
6 or posted online constitutes an offence or whether acts
7 undertaken in preparation for the commission of violence
8 can be prosecuted.

9 When the police investigation is complete, the
10 police must formally refer a case to the CPS for
11 a charging decision to be made, unless it is an offence
12 for which they have authority to charge themselves.

13 The CPS will then make a charging decision on the
14 basis of the two-stage full code test that I outlined
15 earlier. Does the evidence provide a realistic prospect
16 of conviction? And is it in the public interest to
17 prosecute?

18 It is important to note that concern around the
19 potential risk posed by an individual does not lower the
20 evidential threshold in the first stage of that test and
21 nor does it replace the public interest stage. Put
22 simply, where either stage of the full code test is not
23 met, the fact that an individual may be classified as
24 a VFI does not alter or impact on that conclusion.

25 Where the prosecutor is satisfied that the full code

44

test is made out, they will then determine, again in accordance with the principles in the Code for Prosecutors, what the appropriate charge or charges should be. In doing so a prosecutor will select the charge or charges which reflect the seriousness and extent of the offending, give the court adequate sentencing powers on conviction, provide the court with the power to impose appropriate post-conviction orders, and enable the case to be presented in a clear and simple way.

When no offences are made out on the evidence, and where further enquiries do not enable the charging threshold to be met, the CPS involvement in a matter will come to an end. Whilst it must be recognised that each case will turn on its own facts, it is more likely that in circumstances where serious harm has been occasioned by a VFI, that it will be possible for a prosecutor to identify a charge or charges on the basis of existing legislation.

By way of example is the case of Nicholas Prosper, who murdered three members of his family by shooting in 2024. The evidence indicated that the defendant's motivation was the desire to be famous or infamous as a mass killer, rather than his plans arising from any political or ideological cause.

45

locations.

Importantly, however, there was no clear evidence that male 1 harboured any specific religious, political or other ideology. Indeed, it was the prosecution case that his motivation was to emulate extreme levels of violence.

If male 1 had carried out his plan to commit a mass casualty attack, then a range of offences would likely have been available to prosecutors, including offences against the person and weapons offences, and those offences would have been available irrespective of his motivation.

However, the police intervention stopped male 1 before any harm, let alone serious harm, was caused. If the evidence had demonstrated to the required standard that male 1 had committed his preparatory acts, such as seeking to buy a knife and identifying attack locations, with the intention of committing an act of terrorism, in other words, with a terrorist purpose as defined by the legislation, then it would have been open to prosecutors to consider charging an offence contrary to section 5 of the Terrorism Act of 2006, of preparation of terrorist acts, which carries a maximum sentence of life imprisonment. This offence wasn't open to prosecutors, however, because the requisite ideology was not present.

47

In that case, charges of murder and firearms offences were readily available to prosecutors. However, there are examples of cases which have been referred to the CPS under the process outlined above for either EIA or charging decision where serious harm has not yet occurred, but where there is evidence that an individual concerned has a fixation with violence.

In such cases the CPS has not always been able to charge offences which fully reflect the intention of the suspect as demonstrated by the evidence, primarily as a result of the legal framework that's available to us. May I turn to two examples to illustrate that point.

The first example is Operation Quakeric, where the defendant was a 17 year old male who I will refer to as male 1. Male 1 came to the attention of the police when he made admissions that he planned to commit an AR-style terrorist attack, that he enjoyed watching terrorist attacks and that he had researched how to stab people and make bombs.

Following his arrest, an analysis of his electronic devices, the police found a pdf of the Al-Qaeda Training Manual along with a note of places to attack. In messages, evidence was found that he told others that he was trying to make ricin. He tried to purchase knives from Amazon and he had searched online for attack

46

In the absence of a terrorist purpose, the acts committed by male 1 were too far removed from any actual acts of violence to bring any other charges in relation to them. In male 1's case, the only offence that was available to be charged was an offence contrary to section 58 of the Terrorism Act of 2000, in relation to possession of the Al-Qaeda Training Manual, which is a document of a kind likely to be useful to a person committing or preparing an act of terrorism.

That offence is one of a very limited number of offences under the Terrorism Act that can be prosecuted in the absence of an ideological cause, with the maximum sentence being 15 years imprisonment.

A further relevant example is that of Operation Anthropic, which related to a 16-year-old boy who I will refer to as male 2. In 2025, male 2 called the police and informed them he wanted to re-enact AR. He had purchased a green hoodie and had collected knives which were in a bag at his home. He said he wanted to kill people and he was captivated by the idea of violence.

Analysis of his electronic devices revealed a fascination with extreme and lethal violence and those who perpetrated it and a desire to carry out a mass casualty attack.

In terms of his motivation, he had made repeated

48

references to a number of extreme and violent belief systems, the majority of which were characterised by the use of violence. As with the male in the previous example, if there had been an identifiable ideology that met the definition in section 1 of the Terrorism Act, it would have been open to prosecutors to consider charging under section 5 of that Act, namely, preparation for a terrorist act.

Again, however, that charge was not open to the prosecution due to an absence of the ideology and, as with male 1, the preparatory acts that could be proved were too far removed from any actual acts of violence to permit charges to be laid. As part of the police investigation into male 2, four documents were recovered which matched the statutory criteria in section 58 of the Terrorism Act. The four section 58 offences were therefore the only offences for which male 2 was convicted.

It is also important to note that had the various specific documents that fell within the criteria in section 58 of the Terrorism Act not been located, it may have been the case that neither individual could have been charged with any offence.

Also, even though it was possible to bring charges in these two cases for section 58 of the Terrorism Act,

49

held. So, whilst it can potentially fit the type of conduct in question in relation to VFIs, it may not be the sort of situation envisaged by Parliament when creating it as a terrorism offence.

Counter Terrorism Policing and the CPS's counter-terrorism division endeavour to focus on cases within the counter-terrorism remit to maximise operational effectiveness, and so VFIs with no terrorist ideology would usually be assigned and dealt with by a complex casework unit.

Finally in relation to this question, and against that backdrop, we note that the Government has announced an intention to create an offence of planning a non-ideological mass casualty attack in the King's speech, which may seek at least in part to address the perceived lacuna that may be demonstrated by the two cases that I have outlined.

Whilst it is not within the expertise of the CPS to comment on the effectiveness of existing legal powers in addressing risk, or to propose new legislation to do so, our policy team does provide subject matter expertise to other HMG partners, including the Home Office and Ministry of Justice, on the development and practical implication of new legislation and policy to ensure that it can be applied effectively to the prosecution of

51

those charges provide a lower sentencing maximum than would have been the case if an offence contrary to section 5 of the same Act could have been charged.

And further, it could probably be submitted that the charges that it was possible to bring in both cases did not reflect the full scope of the risk posed by either defendant or the full ambit of their activity that rightly gave cause for serious concern.

A defendant can only be sentenced in relation to the offence or offences for which they have been convicted, and whilst a sentence in court can have regard to the context of any future offending and any potential future risk, they cannot impose a sentence that is not reflective of the actual conviction, and indeed the sentencing judge in one of the cases that I have mentioned expressly stressed in his sentencing remarks that he was not sentencing the male for planning an attack.

The final point to make in relation to the use of section 58 of the Terrorism Act in this context is that while section 58 does not require ideology to be a factor on the part of the offender, the offence was initially designed to disrupt other potential terrorist offending. Section 58 is drafted broadly with a reasonable excuse defence if items are innocently

50

relevant offences.

May I turn then to the second question which invites input into the prosecutorial and youth justice options that are available to manage the terrorism-related or fixation-driven risk posed by children and young people before serious harm occurs.

As before, the CPS only becomes involved in a case where it has been referred to us by the police for early investigative advice or for a charging decision. As such, the CPS does not have a role in the early intervention, disruption or risk management of individuals prior to the commission of any criminal conduct.

Where a case is referred to the CPS by the police relating to a child, that is someone under the age of 18 who presents a terrorism-related or violence-fixated driven risk, the prosecutorial options that are available to the CPS would depend on the circumstances of each particular case.

There will invariably be some cases where even for a first time child offender, the offence is so serious that immediate prosecution is the only viable option. In all cases the starting point as to the options, whether serious harm has been occasioned or not, is the Code for Prosecutors that I referenced previously.

52

1 But when dealing with children, the Code for
2 Prosecutors cannot be viewed in isolation. Guidance on
3 the approach that prosecutors should take when applying
4 the Code in the case of children can also be found in
5 our prosecuting guidance titled "Children as suspects
6 and defendants".

7 That guidance espouses a Child First approach,
8 focused on prevention, diversion, and developing
9 interventions to avoid the unnecessary prosecution and
10 criminalisation of children.

11 As outlined before, the first step is for
12 a prosecutor to consider whether the evidential test is
13 met. The fact that a child may pose what is deemed to
14 be an enhanced risk because of a defined or undefined
15 ideology, does not impact on that consideration. In
16 other words, an enhanced or perceived risk of harm does
17 not lower the evidential threshold that we must apply.

18 If the evidential stage is met, then the prosecutor
19 turns to the public interest stage. There are specific
20 considerations outlined in the Code that pertain to
21 children, where the prosecutor must consider their age
22 and maturity at the time of the offence, the best
23 interests and welfare of the child and the objective of
24 the youth justice system in preventing offending by
25 children.

53

1 which, if breached, can result in prosecution for the
2 original offence.

3 Importantly, both of those out-of-court disposals
4 require a child to admit the offence and to accept the
5 out-of-court resolution. It must be noted that those
6 out-of-court disposals are not available as a standalone
7 method of disruption or risk management; they can only
8 be utilised where the evidential part of the full Code
9 test is met, but where a prosecution is not deemed
10 necessary in the public interest.

11 A prosecutor's decision as to how to apply the
12 public interest test, when considering an out-of-court
13 disposal, will be informed by the police's assessment of
14 a risk posed by the suspect, and observations from the
15 police, probation or a Youth Offending Team as to how
16 the disposal may mitigate that risk.

17 We also take into account section 37 of the Crime
18 and Disorder Act, which outlines the principal aim of
19 the youth justice system as being the prevention of
20 offending by children and young persons.

21 For conditional cautions, the conditions attached to
22 an order will be recommended by the police, probation or
23 a Youth Offending Team. The prosecutor does not have
24 a role in identifying or selecting the appropriate
25 conditions.

55

1 A prosecution will normally take place unless the
2 prosecutor is satisfied that there are public interest
3 factors which tends against prosecution, which outweigh
4 those factors tending in favour of prosecution.

5 However, there may be instances where a prosecutor
6 may be satisfied that the public interest can properly
7 be served by offering an out-of-court disposal rather
8 than prosecution.

9 Whilst it is vitally important to stress that it is
10 entirely fact-specific, this could conceivably include
11 cases where a child falls into the Inquiry's definition
12 of a VFI, but where serious harm has not been occasioned
13 by their conduct.

14 Prosecutors are assisted in determining whether
15 an out-of-court disposal is appropriate by our
16 out-of-court resolutions guidance, which sets out the
17 available orders and level of authority that's required
18 to approve an out-of-court resolution.

19 It is also important to note, however, that the CPS
20 is only involved in decisions to impose specified
21 out-of-court disposals, the ones particularly relevant
22 to this Inquiry being youth cautions or youth
23 conditional cautions. The difference being that
24 a caution is a formal warning, whereas a conditional
25 caution has one or more conditions attached to it,

54

1 Our role, instead, is to assess whether
2 an out-of-court disposal meets the public interest,
3 having regard to the Child First approach that I have
4 outlined.

5 As a final part of my answer to this question, may
6 I touch briefly on two further tools that are aimed at
7 managing risk, albeit one in the terrorism space and in
8 circumstances where an offence has been committed, but
9 which may provide useful insight into the discussion of
10 management of risk for VFIs.

11 The first is youth diversion orders. These are
12 a response to a recommendation by the Independent
13 Reviewer of Terrorism Legislation, to introduce a new
14 civil order aimed at managing the terrorism risk among
15 young people, whilst limiting further engagement with
16 the Criminal Justice System. The provisions are similar
17 to, albeit not the same as those relating to serious
18 crime prevention orders in the case of adult offenders.

19 Introduced by the Crime and Policing Act of 2026,
20 and due to come into force later this year, the police,
21 but not the CPS, may apply to a court for a Youth
22 Diversion Order, which may be made by the court if the
23 court is satisfied on the balance of probabilities that
24 the individual has committed a terrorism offence or
25 a relevant offence with a terrorism connection, and

56

1 where the court considers it necessary to make the order
2 for the purpose of protecting members of the public from
3 a risk of terrorism or other serious harm.

4 The Youth Diversion Order can then impose measures
5 that are designed to reduce the terrorism risk and
6 encourage disengagement from terrorist ideologies. And
7 the aim of the orders is to balance the need to protect
8 public safety with the goal of rehabilitating young
9 individuals.

10 The involvement of the CPS in those orders will
11 primarily be with regard to any breach proceedings,
12 which constitute a criminal offence, rather than in
13 relation to the initial application for them.

14 The second order to mention are criminal behavioural
15 orders. Whilst they are primarily designed to deal with
16 anti-social behaviour, they have also been sought by the
17 CPS, and granted on conviction, for children where
18 either notification requirements under the Terrorism Act
19 do not apply, or where it is felt that any potential
20 period of supervision under a Youth Rehabilitation Order
21 would not be deemed long enough.

22 And those orders can impose a range of conditions,
23 such as limiting the number of electronic devices that
24 can be used; notification requirements; exclusion zones;
25 and specific requirements, for example, not to purchase

57

1 facilitate joint working.

2 The principal way in which the CPS works with the
3 police in the circumstances envisaged by this question,
4 is through the provision of early investigative advice,
5 which I have referenced earlier.

6 This allows for legal issues to be explored from the
7 outset of an investigation, although that doesn't turn
8 the CPS into an agency which manages wider risk.

9 Early engagement between the police and CPS is
10 collaborative, albeit that our roles remain distinct,
11 with the police conducting the investigation and the CPS
12 providing legal analysis and advice.

13 As part of that process, prosecutors may be able to
14 identify offences that reflect aspects of the alleged
15 criminal conduct, including in circumstances where that
16 conduct may not be directly related to a fixation with
17 violence.

18 May I refer then to the final case study that I want
19 to reference today, the case of Operation Almique, to
20 demonstrate how this can work in practice, with the
21 proviso that I have given before that each case will
22 turn on its own facts and merits.

23 In this case the defendant, who I will refer to as
24 male 3, was a 19-year-old at the date of his arrest. He
25 was a member of multiple online groups which extolled,

59

1 knives.

2 May I turn then to the final question which is
3 concerned with how specialist prosecutors work with
4 agencies where fixation-driven violence risk causes
5 serious concern, but where there's no obvious charge,
6 agreed legal definition or clear statutory pathway, and
7 which also invites consideration as to what disruption
8 orders are available below the prosecution threshold.

9 As I have previously outlined, prosecutors are not
10 responsible for evaluating or assessing the risk posed
11 by an individual. Where the question of risk is
12 a relevant consideration, for example in determining
13 whether to oppose an application for bail, or to seek
14 specified orders on conviction, prosecutors will form
15 their judgement based on information provided to them by
16 the police, which in turn may be informed by information
17 from third parties, including social services or
18 schools.

19 The effectiveness of information sharing between
20 agencies is therefore evidently a highly relevant
21 consideration when assessing the impact on the quality
22 of any decisions.

23 The CPS has a well developed and constructive
24 relationship with policing on a regional, national, and
25 specialist level, with well established processes to

58

1 in particular, acts of extreme violence, sexual
2 violence, cruelty to animals and misogyny. Members of
3 the groups were also engaged in encouraging each other
4 to carry out violence in real life, as well as
5 encouraging others to harm themselves.

6 Whilst there was some elements of extreme right-wing
7 ideology, the main motivation appeared to be the
8 carrying out of violence for the sake of it. Male 3 was
9 initially charged with on offence pursuant to section 5
10 of the Terrorism Act -- as I have mentioned previously,
11 preparation for an act of terrorism -- in relation to
12 an apparent plan to commit a murder and encouraging
13 others to do the same.

14 The case was kept under continuous review and,
15 during the course of the investigation, the prosecution
16 subsequently took the view that there was no longer
17 a realistic prospect of conviction in relation to that
18 offence. In other words, the evidential part of the
19 two-stage test that I have mentioned was not met.

20 The process of close engagement with the police and
21 a continuing review of the evidence instead enabled
22 prosecutors to identify a number of other offences which
23 were not linked to male 3's ideology as the terrorism
24 offence had been, but which were still reflective of
25 aspects of his criminality, including offences of

60

1 encouraging others to commit suicide, indecent images of
2 children, criminal damage and again a section 58
3 possession offence.

4 Turning to the second part of the question finally
5 relating to disruption options below the prosecution
6 threshold, I have identified already that the
7 involvement of the CPS depends on there being
8 identifiable criminal conduct and sufficient evidence to
9 prosecute.

10 The CPS can provide robust advice to the police, as
11 to how an investigation can be developed, where there is
12 a potential route to criminal charges. However, where
13 there is no identifiable offence, or where a prosecution
14 is not in the public interest, it falls to other
15 agencies to use their powers to safeguard against and
16 disrupt any activity that falls below the threshold for
17 prosecution.

18 I must stress that this should not be perceived as
19 the CPS implying that concerns around fixation-driven
20 violence risk are not serious or should be viewed as
21 insignificant; but rather it is a reflection of the
22 statutory function that we have within the wider
23 criminal justice sphere.

24 So to conclude, risk management of VFIs before
25 serious harm occurs sits with agencies other than the

61

1 the NCA to come forward.

2 Presentation by NCA OFFICER

3 **NCA OFFICER:** Good morning. I'm an officer with the
4 National Cybercrime Unit of the National Crime Agency.

5 The agenda that we will go through today will cover
6 strategic context, managing complex risk, multi-agency
7 response, emerging challenges and key takeaways.

8 One of the key strategic messages is that the UK
9 already possesses significant powers, partnerships and
10 intervention mechanisms. The challenge is ensuring that
11 complex individuals, whose behaviour spans multiple
12 threat areas but does not meet clear criminal or
13 terrorism thresholds, remains visible, owned and managed
14 before serious harm occurs.

15 It is important to note that this presentation does
16 not focus primarily on VFIs and the vast majority will
17 cover cyber-specific measures, successes and identified
18 gaps.

19 So, there are a range of tools and processes
20 available to identify and manage risk before serious
21 harm occurs, but these are not specifically designed for
22 violence-fixated individuals. I would like to talk
23 through now the National Cybercrime Prevent Referral
24 Mechanisms. This is a means to detect, process and
25 identify risk for mitigation or removal.

63

1 CPS as a consequence of our statutory ambit. However,
2 when a case is referred to us, which can include in
3 circumstances where serious harm has not been
4 occasioned, the CPS will apply the Code for Prosecutors
5 to determine whether it is evidentially possible and in
6 the public interest to bring charges. These are
7 frequently complex decisions, particularly where
8 children and young people are involved. But the
9 framework and various guidance that we have in place
10 supports the effective, appropriate, and proportionate
11 use of the legal powers that are currently in existence
12 in dealing with offences where the ideology of the
13 offender is not the primary driver.

14 Thank you again for the opportunity to address this
15 important issue and I'm very happy to assist the Inquiry
16 later with any questions.

17 **SIR ADRIAN FULFORD:** Thank you very much indeed.

18 **MR JAMIESON:** Thank you very much. Sir, may I suggest we
19 take 15 minutes, we are ahead of schedule.

20 **SIR ADRIAN FULFORD:** Certainly.

21 (10.41 am)

(A short break)

23 (10.56 am)

24 **SIR ADRIAN FULFORD:** Yes, Mr Jamieson.

25 **MR JAMIESON:** Sir, thank you. May I invite an officer of

62

1 I'm not a Prevent officer, I'm an operations
2 officer, so I would be happy to take any detailed
3 questions away to be answered for you. I would like to
4 go through the referral mechanism. A referral, step 1,
5 is referral is received by the Cyber Prevent officer.
6 Step 2, a suitability assessment, priority triage,
7 de-confliction and local intelligence checks conducted
8 by a Cyber Prevent officer.

9 We then move to step 3. Referral is received by the
10 NCCU Prevent and checked against national records are
11 conducted. This will determine whether a subject of
12 interest is known or unknown.

13 Step 4, if the subject of interest is already known,
14 the case will be placed -- will be rejected for
15 preventative intervention. Step 4, if a subject of
16 interest has already received a preventative
17 intervention, the case will be rejected unless it is in
18 exceptional circumstances.

19 It then becomes apparent that they are known to the
20 system. We move to step 5. If it is that they remain
21 unknown, we progress to step 6. So at step 5 we can
22 consider de-confliction, intelligence dissemination.
23 And then at step 6, the national record of referral is
24 made, and referral is returned to the Prevent -- Cyber
25 Prevent teams.

64

At step 7 a baseline risk assessment is made by the Cyber Prevent officer.

Step 6 is the national record of referral that is made and referred to the Cyber Prevent team. The baseline risk assessment by the Cyber risk Prevent officer assesses and manages the individual who may be at risk of cyber -- excuse me sorry, I have just gone ... *(Pause)*

... who may be at risk of cyber offending.

Where preventative intervention is considered, appropriate or primary delivery mechanisms in cyber choices. Cyber choices therefore represents the practical intervention element of the Cyber Prevent pathway, providing tailored, educational, safeguarding and diversionary activity designed to reduce offending risk and to encourage positive behavioural change.

At step 8, the Cyber Prevent interventions are conducted by the Cyber Prevent officers. This is where the intervention occurs.

Step 9, we move to the post-intervention risk assessment made by Cyber Prevent, and step 10 a referral closure is sent to the NCCU Prevent by the Cyber Prevent officer, and at step 11 the case is closed.

There is increasing hybridisation between Cyber Prevent and counter-terrorism Prevent referrals. Cyber

65

from schools, social services, health partners and safeguarding teams.

Law enforcement cyber risk can also be present within other offending. Raised awareness and for other threat areas such as counter-terrorism or those on the frontline of policing provides opportunity to intervene earlier.

Many individuals -- *(Pause)*.

Sorry, I will just be with you in a second.

SIR ADRIAN FULFORD: Do take your time.

NCA OFFICER: Thank you.

SIR ADRIAN FULFORD: Do you want me to break for a moment?

NCA OFFICER: No, I think I'm all right sir, I'm just finding where I am on this.

I will just go back. National Cyber Prevent network, proactive detection and referral that comes from the national network with upskilling of key partners within local communities. It facilitates proactively in identifying and referring those at risk, such as schools, social services, health partners, safeguarding teams.

Law enforcement cyber risk can also be present in other offending, raised awareness and other threat areas such as counter-terrorism, or those on frontline policing, providing opportunities to intervene earlier.

67

referrals are becoming increasingly complex, while cases still involve cyber offending behaviours, many now include significant safeguarding, mental health, social care and counter-terrorism considerations.

A substantial amount of time is spent coordinating with partner agencies, assessing vulnerabilities and ensuring individuals access appropriate support. To proactively address this, a new process has been developed to improve coordination, where risks overlap between cyber-related concerns and counter-terrorism vulnerabilities. It enables agencies to share information, reduce duplication and ensure risks are managed by the most appropriate partner while maintaining specialist ownership of each area.

Existing identification pipelines and mechanisms. Early identification pathways, identifications and referrals can originate from a number of places via recognised routes within the regions. The NCA has a centralised system for national referrals which connects to the regions as appropriate.

National Cyber Prevent networks are proactive detection and referral often comes from the national network, upskilling and educating key partners within local communities to facilitate proactively in identifying and referring those at risk, such as those

66

Operational datasets offline detection methods which will not capture the full range of these risks and use of operational datasets to identify those early in experimentation, provides an identification route for those not known to statutory services.

The baseline risk assessment conducted at step 7 of the Cyber Prevent pathway, will then help inform the activity undertaken. The next few slides will go into more detail on these icons.

Strong powers again exist to identify and intervene; the challenge is risk management, sustaining ownership and management before the harm occurs. This is particularly prevalent where there is a combination of crime types or unclear drivers for offending.

The current prevention and disruption measures. Having identified an individual through Cyber Prevent pathway and assessed the level of risk, the next stage is determining the most appropriate intervention. In most cases, this is delivered through cyber choices, which provides the principal preventative and divisionary offer available to individuals at risk of cyber offending.

It is important to note that the majority of Cyber Prevent tools are voluntary. Unlike CT Prevent, Cyber Prevent does not operate within a dedicated statutory

68

provision framework. While CT Prevent has specific legislative foundations and associated processes, Cyber Prevent interventions are primarily delivered through the voluntary engagement via cyber choices, supported by existing policing and criminal justice, where appropriate.

Individual prevention and disruption and formal disruption.

Early intervention: disruption activity operates across a spectrum from prevention and safeguarding through to enforcement. At the early stage the focus is on education, awareness raising and early intervention. Informal approaches include educational engagement, warning notices, diversion programmes and safeguarding referrals and ongoing risk and monitoring.

Where stronger intervention is required, authorities can use formal warning or cease and desist approaches to make clear that activity has been identified and must stop. If legal thresholds are met, there are more formal criminal justice options available, including cautions, prosecutions and, in some circumstances, preventative orders.

Operational disruption is also supported through intelligence sharing, national and international partnerships and engagement with industry.

69

re-offend, of all crime, who did not undertake the Cyber Choices programme and went on to re-offend with all crimes, compared to 13.83% that did.

The re-offending rate for cyber, depending on offending, was 0.58%. Participants with previous violence-related offending had higher subsequent all crime rates of re-offending within the Cyber Prevent cohort.

For example, 57.1% of those with a previous common assault, and 50% of those with previous battery, subsequently re-offended compared with around 13% amongst those without those respective histories.

This does not show that the subsequent offending was violent or that the Cyber Choices was ineffective for that group. However, it does suggest that previous violence may identify a subgroup requiring further understanding of the underlying drivers and interventions that sit behind the current cyber-specific Cyber Choices offer.

The analysis did not include a matched comparison group. So it cannot be established that Cyber Choices caused these outcomes but provides an encouraging early signal.

The CT overlap. CTI Prevent operates within a statutory counter-terrorism framework, whereas Cyber

71

Evidence also suggests that individuals with histories of violent offending may require additional intervention beyond those designed purely for cyber offending.

Cyber Choices. The public brand of Cyber Prevent work was operated under Cyber Choices since 2017. The voluntary nature of Cyber Choices is intended to give the subject -- agencies to make positive choices to move away from offending rather than achieving compliance only because participation has been imposed.

Cyber Choices provides wide tailored intervention addressing relevant risk and protective factors, involving parents or carers where appropriate and providing legitimate off-ramps through education, training or employment. This can be particularly relevant where technical ability, identity or status has become associated with the offending.

Cyber Choice statistics. In short, Cyber Choices reduce the rate of offending by half in comparison to the MOJ benchmark. 32.9% of juveniles who did not undertake the Cyber Choices programme went on to re-offend -- and that's all crime -- compared to 15.08% that did.

When combined with adult re-offending rates of 29.3 -- 35% of adults and juveniles went on to

70

Prevent has no equivalent statutory preventative framework or separate set of coercive prevention powers. Most Cyber Choice activity, therefore, relies on voluntary engagement, supported by normal policing and criminal justice powers, where the relevant legal threshold has been reached. NCA advocates -- cyber present activity remain voluntary.

Family engagement. Parents and carers provide supervision at a level unobtainable by professionals, in pairing parents and carers into capable guardianships can assist subjects of interest desist from activity. This is achieved through helping them to engage with the subjects of interest and their skills, including identifying and encouraging legal routes to skilled development.

It is also achieved by broadening their understanding of online risk beyond the subject of interest becoming a victim online, to include the subject of interest offending online.

Safeguarding and support. A key strength of the current model is the ability to bring together intelligence, safeguarding concerns and victim reporting, operational data and partner reporting to build a comprehensive understanding of the risk.

Information is often held by multiple agencies and

72

1 organisations, each possessing only a part of the
2 overall picture. Bringing this information together
3 enables investigators to identify concerning patterns of
4 behaviour, better understand the risk and prioritise
5 activity against those causing the greatest harm.

6 Behavioural disruption. Behavioural disruption has
7 proven to be particularly effective when used early and
8 proportionately to divert individuals away from the
9 harmful behaviour. These include warning notices and
10 cease and desist activity and notifications. Another
11 element includes industry engagement with the aim to
12 disrupt harmful online activity. We will look at this
13 in more detail shortly.

14 The risk management side. In the informal phase
15 this is primarily as part of the voluntary pathway and
16 engagements through schools, local authorities and
17 family.

18 Moving on then to formal disruption, preventative
19 measures. There are a number of formal preventative
20 orders for various crime types. These include
21 preventative orders, youth diversion orders and other
22 civil orders. The following were only applicable to the
23 over-18s: serious crime prevention orders, violent
24 offender order, a serious violent reduction order,
25 anti-social behaviour respect order and domestic abuse

73

1 complex and often span multiple jurisdictions.

2 Other options available are the bail conditions
3 which often include provision to reside at set premises,
4 to not have access to encrypted devices, to not have
5 access to proxies and other such measures can be put in
6 place.

7 Other considerations that we can use are not to use
8 or access, download virtual machines, not to use or
9 access remote desktop protocols, to have devices
10 available to be examined by officers and not to use
11 incognito browsing or private browsing. These are all
12 measures we put in place to assess risk for bail
13 conditions and to put forward provisions on individuals.

14 Frequency of visits is determined by risk. There is
15 no option to remand in custody if frequent breaches of
16 police -- of these powers are done and only following
17 charges are we able to do a remand in custody if
18 appropriate. There are gaps here that we need to look
19 at to reduce that risk.

20 Upon charge and remand an application can be made to
21 remand the offender in custody and this must be approved
22 by the court.

23 So risk management. Ongoing monitoring can occur
24 through a number of mechanisms and the use of orders
25 play a key part here. Breach of court order can result

75

1 protect order or notice.

2 The following can be applied to the under 18s: Knife
3 Crime Prevention Order, Community Protection Order,
4 Public Space Protection Orders, Criminal Behaviour
5 Orders, Anti-social Behaviour Injunction, Civil Gang
6 Injunction, a Sexual Harm Prevention Order, Youth
7 Diversion Order, Stalking Protection Order.

8 The criminal justice response: arrest. The arrest
9 and interview of individuals is somewhat
10 self-explanatory in terms of disruption tools. On
11 occasion that is enough to deter individuals away from
12 crime, particularly if they don't understand the
13 severity of their actions. However, by the point of
14 arrest there is usually evidence a crime has been
15 committed and this moves away from Prevent and towards
16 sustained disruption.

17 Bail conditions can be applied prior to charge and
18 often come with restrictions. However, frequently we
19 are seeing that these bail conditions are not
20 sufficient, particularly in online offending. We can
21 see breaches of bail that can result in arrest and
22 return to custody and where charges are brought.
23 However, this must relate to the original use unless the
24 breach of bail involved in that crime is treated
25 separately. Cybercrime investigations are technically

74

1 in a custodial sentence. The NCA, prisoner and lifetime
2 management team work closely with HMPPS to track and
3 disrupt offenders post-conviction, through safeguarding,
4 offender management and disruption tactics. We also
5 engage with MAPPA, multi-agency protection arrangements,
6 as appropriate.

7 There are, however, gaps within these areas of
8 disruption. For example, whilst there is a high
9 effective process for identification of cyber offending
10 and successful prevention pathways, these do not
11 systematically assess violence-fixated individuals and
12 violent intent or broader extremist-related risks.

13 The use of civil orders is key for many crime types
14 and greatly assist law enforcement regarding the
15 managing of individuals and protecting the public.
16 These orders, however, have limitations. In some
17 instances, these are not applicable to the under 18s or
18 are only appropriate -- applicable to certain crime
19 types.

20 The challenge is sustaining intervention and
21 managing risk. This is particularly prevalent where
22 there is no clear ideology or criminal thresholds have
23 not been reached. There are tools available for some of
24 these case type -- crime types. However, we need to
25 close the gaps in applicability and introduce measures

76

that will address emerging crime types.

Alternative Prevent activity. In addition to managing Prevent activity and disruption of offenders, we need to look at the whole ecosystem that underpins it. We have developed alternative activities to increase our impact. Here we have broken these down into three categories: reduce exposure, increase resilience and enable early intervention.

Delisting, removing links to harmful content from search results to reduce public access and visibility.

Content removal: working with platforms to remove content that promotes or facilitates and glorifies a harmful activity.

Search de-ranking: reducing the prominence of harmful content in search results making it harder to discover.

Google ads re-direct: directing users for searching concerning content towards trusted information, support services or preventative messaging.

Counter-narrative campaigns: challenging harmful narratives with alternative content that promotes safer behaviour and informed decision-making.

Digital literacy: equipping individuals with the skills to recognise, assess and respond critically to harmful online content.

77

Specialist cyber teams focused on cyber offending, risk and technical capability.

National agencies provide coordination, governance, specialist assessments, and visibility of the wider threat picture.

Local policing and regional specialist units generally undertake direct intervention and engagement activity.

Youth justice, education, safeguarding and social care services are also critical, particularly where children and young people are involved.

These partners frequently hold important information about vulnerabilities, family circumstances and welfare concerns, existing referral and de-confliction processes help manage risk that cross organisational boundaries.

Managing complex risk. The challenge increases when a case does not clearly fit within an established pathway and no single agency has a clear ownership of the risk or the risk is complex.

Emerging challenges. Online cases rarely sit within a single organisation or jurisdiction. Different agencies often hold different pieces of the picture, so effective risk management depends on information sharing, coordinated assessments and clear referral pathways.

79

Reporting tools: providing single mechanisms for users, parents and professionals to report harmful content or behaviour.

Safeguarding referrals: connecting at risk individuals with appropriate support services before concerns escalate into offending.

Industry partnerships: collaborating with technology providers to identify risks, improve reporting pathways and reduce opportunities for harm.

Effective prevention reduces opportunities for harm, strengthens resilience and enables earlier intervention. Achieving this requires coordinated action across the wider ecosystem, not solely interventions focused on individual subjects.

Managing risks through multi-agency partnerships. Risk has to be managed with multi-agency partnerships. Many cases do not fit easily into a single category, so effective management relies on coordinated action across multiple agencies. Individuals of concern often present a combination of risks. These can include technical capability, cyber offending, vulnerability, exploitation concerns and harmful associations.

In practice, responsibility is divided according to specialist expertise. Counter-terrorism policing leads where terrorist-related risks are present.

78

Existing multi-agency arrangements help identify overlapping concerns, avoid duplication and ensure the right organisation is leading on the risk. We already have talked about the identification and prevention, and diversionary interventions available before serious offending can take place. This is particularly important for young people, many of whom may not fully appreciate the legal or real world consequences of their online activity.

However, these were not designed with violent fixation or violent intent or broader extremism-related risks in mind and do not systematically address them. There remains the persistent challenges of complex cross-domain risk, intervention threshold, shared ownership and accountability, long-term risk management, voluntary engagement limitations and refusal of preventative support.

A recent example: an individual who had earlier refused Cyber Prevent support and went on to offend. This highlights the limitation of the voluntary engagement. This individual went on to offend. Not all individuals will engage and where there is a propensity to commit crime and that is present, then enforcement options are implemented.

Where multiple offending across different crime

80

types are present, such as CSAE and cyber offences, a coordinated response with forces and cyber ROCUs was implemented, with one agency in this case, the NCA, leading work collaboratively with partners.

When multiple cyber attacks impact victims in different force areas, a national coordination investigation will be led by a particular tasked ROCU or NCA to coordinate the response. Challenges emerge when charging thresholds are not met or take time due to the volume of material. Risk is then managed via bail conditions.

Managing residual risk. We know that information sharing, de-conflicting, engagement and specialist intervention works. Specialist intervention needs to be developed to address the harm hybridisation we are now seeing in online harm with an identified owner.

Consideration as to how we can address behaviour, that has an emerging or blended ideology in addition to behaviour that sits below a criminal threshold is key. This behaviour is at risk of falling between pathways.

Moving on to policy considerations, the main gap relates to prevention, residual risk management and cases that fall between existing organisational responsibilities. Much preventative activity currently relies on voluntary engagement and existing policing

81

and hybridisation. Offenders are young and there is a concern that they will get younger. The youngest individual referred through the Cyber Prevent pathway in '25/'26 was 7 years old -- and was 8 years old as well -- a previous case, sorry.

The harm is becoming increasing severe. We know interventions are highly successful for some. The re-offending rates show that. This is, however, an emerging high risk cohort that has no parallel interventions.

Strong powers and intervention mechanisms do exist for some crime types and multi-agency working proves effective. There remains challenges where the risk is complex or cross domain. We need to focus on assessment, coordination and long-term risk management in these cases.

Thank you. I'm happy to take any questions.

MR JAMIESON: We will keep the questions for the plenary session. Thank you very much. Sir, may I suggest that we break until midday and begin the plenary session there?

SIR ADRIAN FULFORD: Certainly.

(11.31 am)

(A short break)

(12.00 pm)

83

powers. This can have -- leave limited options where concerns remained but enforcement action is not available or proportionate. There is a particular gap where individuals refuse preventative support while continued to present concerns. Another challenge is ownership of residual risk where an individual does not fit clearly within the established pathway.

When de-confliction processes can establish whether another agency has an interest, they do not necessarily determine who is responsible for the long-term management. This points to a potential need for a cross-cutting capability that can coordinate interventions, maintain oversight and ensure individuals do not fall through gaps between existing organisational responsibilities.

Lengthy investigations, forensic examinations and overseas evidence requests can also mean individuals remain at risk while enquiries continue.

Online harm increasingly sits across different threat areas, including cyber, safeguarding, violent fixation and extremism. Existing programmes were generally designed to tackle specific forms of offending and may not fully address cases involving mixed motivations or overlapping harms.

The threat from online harm is increasing, domestic

82

Plenary Session

MR JAMIESON: Thank you, sir, we move now to a plenary session for which we have an hour or so. Before I ask my questions, do you have any questions, sir?

SIR ADRIAN FULFORD: I do, thank you very much.

I'm going to direct my first question particularly at the CPS and Ms Muzaffer. It will take just a second or two to introduce, so if we can put ourselves back for a moment in the circumstances relating to AR, we had someone who, whether or not it did in fact, should have resulted in there being very grave concerns about what was happening to him in terms of whether he was developing, as one would hope that he would do, or whether he was following pathways that were going to result in serious violence.

He increasingly spent a very large amount of time at home, and any kind of enquiry would have revealed that a lot of that time was solitary with him being in his bedroom looking at one or more digital devices over many, many hours.

In fact, in his case, there was a Referral Order, which is going to lead me to my second question, the second of two, which I am going to put to the representatives of the Youth Justice Board. But can we, for the purposes of my question to you, Ms Muzaffer,

84

1 work on the basis that he didn't have that conviction
 2 and there was no Referral Order. I think in those
 3 circumstances it is right to say that applying
 4 everything else that we know in relation to AR, so the
 5 only adjustment is that we take out that conviction,
 6 applying everything else that we know about AR, there
 7 would have been no power for the police or anyone else
 8 to have required him to give access to his mobile
 9 devices so that they could be looked at properly, not
 10 just a fleeting glimpse, but subjected to a really
 11 intensive look to see whether he had been doing things
 12 online, visiting sites, joining chat groups and all the
 13 rest, that was at the very least going to contribute to
 14 the assessment of the concern that he might go on to
 15 commit real violence.

16 I don't think either the Police and Criminal
 17 Evidence Act or RIPA would have given authority for the
 18 police to make that request, given the absence, for
 19 instance, of a criminal offence or the suspicion that
 20 the mobile device contained evidence of a serious
 21 criminal offence.

22 Now, does the CPS in those circumstances have a view
 23 on whether it would be helpful, there would obviously
 24 need to be appropriate criteria applied before this
 25 happened, but if the criteria -- the threshold was met,

85

1 would not have any involvement.
 2 **SIR ADRIAN FULFORD:** I readily understand that, strictly
 3 speaking, the CPS are not involved in the scenario that
 4 I have outlined. At most it is pre-CPS. But in the
 5 context of a seminar in which we are looking at the
 6 adequacy of the current legislative provisions relating
 7 to people who could be said to be similar to AR, I had
 8 just wondered, although it steps formally outside of
 9 your remit, whether the CPS would have a view as to
 10 whether or not this would be helpful?

11 **MS MUZAFFER:** Again, and I don't want to appear to be
 12 unhelpful, but our statutory ambit is in relation to the
 13 prosecution of offences, rather than disruption. I'm
 14 very happy to take the question away and consult within
 15 the CPS and come back to this Inquiry on whether we do
 16 have a formal view, but, as I have said, at this stage,
 17 our ambit and the answers that I can give are very much
 18 within our statutory framework and ambit, rather than in
 19 the disruption space.

20 **SIR ADRIAN FULFORD:** Well, I will take you up on your offer
 21 in those circumstances. Can you appropriately write in
 22 to the Inquiry to indicate whether the CPS --

23 **MS MUZAFFER:** Of course.

24 **SIR ADRIAN FULFORD:** -- is prepared to express a view as to
 25 whether this would be a helpful additional tool in the

87

1 principally in terms of concern, that there should be
 2 the opportunity for the authorities to require the
 3 individual to grant access to their device? That's my
 4 question and I'm sorry it has taken rather a long time
 5 to explain it.

6 **MS MUZAFFER:** Thank you. Thank you, sir. The scenario that
 7 has been outlined, as you say, presupposes that there's
 8 not been a referral to the CPS in relation to the
 9 commission or potential commission of any criminal
 10 offence.

11 **SIR ADRIAN FULFORD:** Absolutely.

12 **MS MUZAFFER:** And therefore focusing much more on the
 13 disruption pre- any offence takes place. As I have
 14 indicated, in the normal course of events the CPS would
 15 simply not be involved in that stage and would not be
 16 involved in the scenario that you have outlined, and it
 17 may be, therefore, that perhaps it is more for the
 18 police actually to answer, if I may say, in terms of
 19 what may be useful or what powers they may or may not
 20 have.

21 Certainly from a CPS perspective, the bulk of the
 22 powers that we would be engaged in, in terms of access
 23 to devices and so on, would come on conviction, so would
 24 be in the form, for example, of a criminal behaviour
 25 order, rather than at a disruptive stage where the CPS

86

1 legislative framework that exists?

2 **MS MUZAFFER:** Of course.

3 **SIR ADRIAN FULFORD:** Thank you very much.

4 Then if I could turn then to the Youth
 5 Justice Board.

6 Let's now imagine the position is as it was with AR.
 7 So AR has a Referral Order. With the Referral Order
 8 there is a contract and, as I understand the position
 9 and of course please tell me if I have misunderstood the
 10 position, but as I understand the position, as one of
 11 the conditions of the contract, AR could have been
 12 required, on request, to offer up his digital devices so
 13 that an appropriate official could carry out the task
 14 that I just outlined to the CPS. That wasn't done in
 15 this case and I want to ask both of you whether this is
 16 something that is ever done, whether there is any
 17 guidance in relation to such a step being taken, whether
 18 you think it's a good idea for, in the right case, this
 19 step to be taken?

20 I have just broken one of the great rules in
 21 relation to advocates, you are only supposed to ask one
 22 question and not multiple questions because it is
 23 completely unfair on the witness if you do, but I would
 24 just -- on this global question -- I would really be
 25 interested in your response. If you want to take

88

1 a moment to quietly confer with each other, please do.

2 (Pause).

3 Yes. Ms de Freitas?

4 **MS DE FREITAS:** The very short answer is it is able to
5 happen as part of a Referral Order because it can place
6 restrictions and monitoring around electronic use of any
7 kind.

8 Whether it happens is very, very minimal. We don't
9 see that happening on a regular, regular basis. But
10 that also, I think, reflects the changing nature of the
11 way that children's offending behaviour -- and as we get
12 into the realms of children becoming much more part of
13 the online world, I think you could see a change in that
14 being part of a Referral Order.

15 At this moment in time, Referral Order guidance is
16 quite out of date. It does need a significant update so
17 that you can give practitioners the kind of impetus to
18 do exactly that and support the panel in putting in
19 those types of conditions in with the contract, and then
20 making sure that you are enabling that very regular
21 review of what in fact is being accessed, looked at, or
22 what restrictions you want to continue to have on that.

23 **SIR ADRIAN FULFORD:** Very clear. Thank you very much.

24 The pretty much consistent picture that's been
25 painted over the last few days while we have been

89

1 can impose conditions for that and I imagine your answer
2 is exactly the same in relation to a condition along
3 these lines being imposed as part of the contract.

4 **MS DE FREITAS:** It is possible, yes.

5 **SIR ADRIAN FULFORD:** Lovely. Well, I'm very grateful to all
6 of you, thank you. Mr Jamieson.

7 **MR JAMIESON:** Thank you. I have essentially three general
8 topics that I would be grateful for your assistance
9 with. The first is the possible limitations that may
10 exist in relation to current laws and arrangements. The
11 second is aimed at currently available interventions,
12 whether they are suitable, whether they can be improved,
13 and the third is seeking your inputs on multi-agency
14 working.

15 I will aim to split our time between those three
16 topics. May I ask a question that comes from an issue
17 that the families have raised that cuts across all of
18 your presentations and it is this: all of you, I think,
19 and indeed many of the speakers that have addressed us
20 have highlighted to the Chair the fact that there is not
21 yet currently a workable, operational, definition for
22 this emerging cohort that we are considering. And the
23 question in general terms is: is that a problem that we
24 don't have a definition? And if it is, falling into the
25 trap that we have heard of asking more than one question

91

1 conducting these seminars is that, although the fact
2 that someone is, for instance, spending endless hours
3 looking at gore, by itself does not indicate that they
4 are necessarily going on to do anything about it at all
5 in terms of committing offences. It is nonetheless
6 recognised that it can be a significant factor to take
7 into consideration along with other factors that tend to
8 indicate that a real risk is emerging.

9 So, do I take it, Ms de Freitas, that what is in
10 mind, as far as referral orders are concerned, is that
11 there is going to be a move to update the guidance so
12 that this is properly incorporated, so that
13 encouragement will be given?

14 **MS DE FREITAS:** I would love to give that commitment to you,
15 Chair, but the guidance is owned by the
16 Ministry of Justice and therefore the Youth
17 Justice Board can't undertake those updates to the
18 guidance. So I would have to defer to what their plan
19 is for updating the guidance.

20 **SIR ADRIAN FULFORD:** Well, we may be seeing
21 the Ministry of Justice later as part of part 2 and, if
22 we are, I can hold some feet before a fire in relation
23 to that.

24 Finally on this, there is a youth conditional
25 caution and it is really exactly the same point. You

90

1 at once, if it is a problem, what issues does it cause
2 on the ground?

3 Ms Muzaffer, may I come to you first and I offer two
4 points for your consideration.

5 You told us about the data that the CPS captures and
6 what it doesn't. If there were a definition, would the
7 CPS be able to capture data on these offenders? And,
8 also, if there were a definition, is that something that
9 could be taken into account when the prosecutors are
10 considering the public interest aspect of the full Code
11 test? Your reflections please.

12 **MS MUZAFFER:** Thank you. Can I break that down. Dealing
13 perhaps firstly very briefly with your initial question
14 about is it a problem that there is no workable,
15 operational definition.

16 Whilst we can certainly see the benefit, for
17 example, in having a definition to create a common
18 framework for multi-agency working, certainly from a CPS
19 perspective what we will actually look at is what the
20 conduct is that is alleged to have happened, rather than
21 necessarily what label or what terminology can be
22 applied to it. So, to that extent, I would suggest that
23 there not being a workable, operational definition in
24 terms of a CPS perspective, is not necessarily an issue
25 because we look at the conduct, rather than actually if

92

there's a particular label attached to it.

In relation to your question about data, again, we obviously recognise the importance of data to inform public policy, but from a CPS perspective what is important to bear in mind is that we are not an organisation that publish official statistics in relation, for example, to crime types. Those statistics are published by others, including the Home Office. The reason that we attach labels to our cases, as I mentioned earlier, is to enable us to manage them effectively. And giving an example of that, if, for example, we are dealing with a hate crime, a label may be attached to that on our case management system to flag to a prosecutor that they need to consider, for example, whether an uplift in sentence is required. So the reason that we monitor our cases and have a label, for want of a better word, attached to them, is very much more from a case management perspective rather than in terms of collating statistics.

MR JAMIESON: May I just interrupt your flow just there and offer this thought. Presumably, one of the reasons why you might apply such label would be to trigger a prosecutor to look for some sort of preventative order on conviction?

So, in the example that you have given of a domestic

93

of bespoke interventions for this cohort. Is that providing a problem on the ground?

NCA OFFICER: I think with regard to civil orders that we can implement, there are gaps that we are in discussion with the Home Office at the moment around.

MR JAMIESON: Can you identify those for us?

NCA OFFICER: Cyber offending for under 18's. So similar to how a sexual risk order would apply, that could be applied to an under 18 which would allow us to get access to devices if those were the conditions that were applied for at court. That gap exists with cyber offending at present.

MR JAMIESON: When you say "cyber", I'm sorry to interrupt you, in my simple language, are we talking about hacking or --

NCA OFFICER: Network intrusion, extortion, ransomware --

MR JAMIESON: It is a different sort of offending but you have identified in that gap, or in that system a gap where currently you can't access devices --

NCA OFFICER: No, sir. Once we have arrest and bail conditions then obviously we can apply for those bail conditions that give us the ability to go in and look at devices and see those. We can do it with a sexual risk order. We cannot do it at the moment with cyber. I'm not aware of anything for violence-fixated individuals

95

violence prosecution, you might be looking for an order that would protect the victim of that offence into the future from contact from the defendant. Might that have an application to this cohort? If we have an individual who may have committed a relatively minor offence, but there are serious concerns about the risk of violence that they provide into the future, wouldn't that be an important label to assist a prosecutor to look for a proper preventative order?

MS MUZAFFER: As I said, the labels we attach are in terms of assisting with case management and so that can be, for example, flagging, as I said, if it is a particular type of case where an uplift is required or if it is a particular type of case, for example a sexual assault case, where particular other measures come into play. So, yes, so that extent.

It is important as well to note, however, that obviously adding labels can introduce incidents of error and so there has to be a very clear understanding again from our perspective as to how any label could assist with the future case management of each individual case.

MR JAMIESON: Thank you. May I offer the same theme to our NCA manager. You touched in your presentation about particular measures, particular interventions being targeted at particular cohorts and there not being a set

94

or that specific demographic of offending. But there's certainly an area that we are looking at in conversation at the moment with the Home Office around -- sorry --

MR JAMIESON: Thank you. Don't worry, it is unnatural, because you are trying to look at me while speaking to a microphone in front of you. Please, just aim straight ahead.

NCA OFFICER: Could you repeat the second part of your question for me?

MR JAMIESON: I think what you just told me is you are able and you actively look to obtain access to devices as a consequence of other sorts of orders, cyber offending, sexual risk orders. Does this help us with the question the Chair was asking, or the area of interest that the Chair expressed, about different avenues of gaining access to devices at a disruptive phase? So if there were such an order to deal with our cohort, would you support that?

NCA OFFICER: I think that would be beneficial. Yes.

MR JAMIESON: Thank you. Can I open this question then, of problems caused by a current lack of definition, to the Youth Justice Board.

MS DE FREITAS: I think that we would like to have some level of consistency and understanding of what constitutes the label of VFI because when you are

96

1 thinking about it from that preventative space, and
 2 trying to disrupt, you want to make sure that all
 3 agencies understand the same indicators of what they may
 4 be looking for. They support learning more widely with
 5 the collation of data and really thinking about how you
 6 begin to understand the themes and trends that might
 7 apply that support you in then having the right types of
 8 interventions at an individual level.

9 But I think what we would be concerned about is
 10 making sure that it didn't create a label in itself, so
 11 that you are still looking at what that individual needs
 12 and the assessment of the things that impact on them
 13 that then lead to the right intervention, because, as we
 14 have heard, those indicators that may apply to a VFI
 15 group could apply in other types of offending groups.

16 I think we also would like to contribute to some of
 17 the questions that you have placed to our colleagues, if
 18 that's okay?

19 **MR JAMIESON:** Please do.

20 **MS LANGLEY:** I just wanted to pick up on the points that
 21 have been made about the diversionary orders. I have
 22 been involved in their development of the youth
 23 diversion orders that we have heard from CPS colleagues
 24 will be coming into force and that will provide the
 25 ability to access devices and that will be

97

1 different approaches: youth justice has a statutory role
 2 in the administration of sentences and formal diversions
 3 for youths, but also a non-statutory role in the
 4 diversion space; whereas the Crown Prosecution Service
 5 have told us firmly that their role is very much
 6 post-offence and nothing else.

7 There are actually questions for each of you that
 8 I would like to pose about that.

9 Firstly, as regards youth justice, the Inquiry has
 10 received a deal of evidence about different multi-agency
 11 structures with different hats that often involve the
 12 same people sitting around the table. If we think about
 13 the organisations that tend to feature in those fora, we
 14 might have children's care or social services, we might
 15 have housing, we might have mental health care. What
 16 does youth justice add to those multi-agency
 17 arrangements?

18 **MS DE FREITAS:** I think the very unique thing that Youth
 19 Justice Services is they were designed as multi-agency
 20 arrangements. So when you look at how a Youth
 21 Justice Service is configured at a local level, they
 22 will have workers embedded in that service that are
 23 education workers, health workers; they should have
 24 a probation officer as part of that team, a dedicated
 25 police officer as part of that team. So they are

99

1 a requirement, and I'm also aware of the development of
 2 the cybercrime prevention order and a similar one that's
 3 being considered by the Home Office I think in the
 4 domestic abuse space.

5 I think that these do provide an opportunity for
 6 a small cohort of children that have not yet reached the
 7 criminal threshold but where there is a level of
 8 concern, although they need to be used sparingly because
 9 actually at the moment we have little evidence about
 10 their effectiveness and that is something I think that
 11 needs to be developed. But I think what I would say is
 12 that for me there's potentially a concern about this
 13 happening in an uncoordinated way, and actually the
 14 Prevention and Diversion landscape is quite complex
 15 already for families, children, practitioners to
 16 navigate. And actually there is potential for it to be
 17 joined up in a more coherent way and so that's just
 18 a point I would make about the use of civil orders.

19 **MR JAMIESON:** Thank you. My second topic is going to be
 20 interventions, and my third topic is going to be
 21 multi-agency structures, so if you don't mind I will
 22 come back to some of those points you have raised later.

23 Just sticking with this question of the suitability
 24 of current arrangements. Essentially, we have heard two
 25 different approaches, or the Chair has heard two

98

1 multi-agency by definition, and then work also within
 2 the wider partnership.

3 So that is the additional element, is that actually
 4 in many ways they are showing -- they are the kind of
 5 leaders in how you approach any kind of multi-agency way
 6 of tackling a particular concern.

7 **MR JAMIESON:** So the intervention in that multi-agency forum
 8 may be provided by one of the other services, perhaps
 9 some input from children's services, perhaps some input
 10 from mental health, but is youth justice helping them
 11 to understand the risk; is that what I'm to understand?

12 **MS DE FREITAS:** The Youth Justice Service is managing that
 13 particular order.

14 **MR JAMIESON:** What about before we have an order?

15 **MS DE FREITAS:** That will also depend on the way the
 16 Prevention and Diversion offer is delivered at a local
 17 level, and that is because of the distinction we have
 18 talked about, what is statutory and what isn't, and
 19 therefore that will vary and that's dependent on
 20 resourcing, what actual structures are already in place
 21 and the ability to shape a Prevention and Diversion
 22 offer that then has the input from all the various
 23 multi-agency partners.

24 **MR JAMIESON:** The reason I'm trying to really drill down
 25 into the specifics of what is offered, if anything,

100

1 and -- in that space, in the diversionary, pre-order,
2 pre-conviction space, is we have heard that many of this
3 cohort, in fact all of the CPS's case studies are
4 teenagers.

5 **MS DE FREITAS:** Yes.

6 **MR JAMIESON:** Some will be under 18, some will be over 18.
7 Your remit ends I think at 18. So if there is
8 a cliff edge, if there is something that is missed in
9 that disruption space and somebody crosses that
10 18-year-old threshold, I think it is important that we
11 hear about it.

12 So focusing on disruption, focusing on non-statutory
13 pre-crime, is there something concrete, something
14 essential that youth justice adds that is missing
15 therefore for the over 18s?

16 **MS LANGLEY:** I think it draws on the point that has been
17 made by my colleague, is that those multi-agency
18 arrangements are essentially there and in place and they
19 don't necessarily exist beyond 18.

20 So there are cliff edges with certain provisions and
21 services, but actually, if services are working with
22 a child approaching adulthood it is very important that
23 as a multi-agency group actually you are considering
24 that in advance and you are starting to plan ahead for
25 a transition and making sure that there isn't that

101

1 but I'm inviting you to reflect upon your organisation
2 and its abilities, the assessment of evidence, the
3 direction of emerging investigations, the selection of
4 appropriate orders and charges. Is that a job you might
5 be good for?

6 **MS MUZAFFER:** Certainly in relation to the assessment of
7 evidence and the selection of potential charges, and
8 indeed whether charges should be brought in the first
9 place, fits within the ambit of the CPS.

10 **MR JAMIESON:** Yes. I know that's your ambit at the moment
11 but I'm just really asking you to think about this. If
12 I'm a police officer and I'm wondering whether or not
13 I have enough evidence that's going to establish to the
14 civil standard whether or not a terrorism offence has
15 been committed, those prosecutors that I speak with,
16 when I would ask the same question but to a different
17 standard, the criminal standard, they are likely to be
18 good advisers, aren't they, as to that question?

19 **MS MUZAFFER:** Again, certainly prosecutors can advise and
20 our role is to advise on whether evidential standards
21 under legislation are met, and that is an assessment we
22 carry out looking at the evidence and in line with the
23 Code.

24 As I have said, our role is not in terms of
25 assessing risk, for example, at a stage that falls below

103

1 cliff edge and actually there are services that can pick
2 up where there are unmet needs when that child becomes
3 an adult.

4 **MR JAMIESON:** Thank you very much.

5 Ms Muzaffer, may I come to you and I'm going to ask
6 you to think about a potential difference in
7 arrangements. Focusing on preventative civil orders and
8 the new Youth Diversion Order is a good example, because
9 to be imposed a Youth Diversion Order requires proof to
10 the civil standard on a balance of probabilities, in
11 simple terms, that a terrorism offence has been
12 committed by a youth.

13 You have told us that the CPS might become involved
14 in a prosecution for the breach of such an order but not
15 in its imposition in the first place. Those orders are
16 potentially very intrusive orders that can impose all
17 sorts of restrictions and requirements on individuals.
18 Determining whether or not to apply for one, whether it
19 is proportionate, whether there is sufficient evidence
20 to meet that standard, are those areas within the CPS
21 competence that the CPS would be well placed to assist
22 with?

23 **MS MUZAFFER:** The statutory framework for those orders is
24 that the application is made by the police.

25 **MR JAMIESON:** I know what the arrangements is at the moment,

102

1 the evidential criminal threshold.

2 **MR JAMIESON:** I'm going to ask our National Crime officer if
3 she has anything to add on this topic?

4 **NCA OFFICER:** No. I think we would just look to present the
5 evidence we have got for the charges but if we don't
6 meet that charging threshold then we do have to look at
7 the risk assessment of that individual and what measures
8 we can put in place, and again we would probably go back
9 to, if they are arrested, bail conditions. But then if
10 they don't meet that threshold for charging and there is
11 no continuation of the investigation, we would have to
12 look at how risk for that individual was managed and
13 that would be with partner agencies.

14 **MR JAMIESON:** Thank you. I'm going to move on, if I may, to
15 our second topic of interventions. I would just like to
16 come back to the Youth Justice Board and the point that
17 you made earlier before when you were talking about
18 interventions.

19 I was asking you about -- well the question is this,
20 when we are thinking about interventions, early
21 interventions that can prevent the sort of risk that
22 this cohort presents crystallising and increasing, do we
23 need bespoke particular interventions or are general
24 purpose wider safeguarding type of interventions of the
25 sort that we are looking for? Do you have a view?

104

1 **MS DE FREITAS:** Our general approach has been that that
 2 intervention should always be shaped by a full
 3 assessment of what it is that is manifesting itself with
 4 the child and the circumstances around that child, so
 5 understanding their family context and anything that
 6 shows us a need.

7 I think that we need to be careful about kind of
 8 going down the line of doing very specific interventions
 9 when we don't yet fully understand what ends in a VFI
 10 cohort and what offence leads from that. But I do think
 11 that there are gaps that we need to work on, on what are
 12 the interventions that work for children who are at that
 13 very high end of offending. So it is a bit of both.

14 **MR JAMIESON:** The riskiest individuals?

15 **MS DE FREITAS:** Yes.

16 **MR JAMIESON:** What do you mean by gaps? As in there are not
 17 enough tools in your toolbox or there are measures that
 18 you are not sure that they work? Could you help us with
 19 a bit more detail?

20 **MS DE FREITAS:** I think we need a little bit of evidence and
 21 research because interventions from our perspective
 22 always should be evidence-based. They really should be
 23 based on what is it we know works, but to know that we
 24 have to have the right evidence to support it.

25 Now over the course of the journey of youth justice,

105

1 tailored, that are individualised, you know, are the
 2 most impactful.

3 So I think we wouldn't want to be in a situation
 4 where we say this intervention needs to be applied for
 5 this offence, for example, or this behaviour because we
 6 wouldn't want to move away from that kind of
 7 individualised approach that draws on the evidence of
 8 what works. But I think there is still more work to be
 9 done in terms of research of evidence of effective
 10 interventions.

11 **MR JAMIESON:** Thank you.

12 **SIR ADRIAN FULFORD:** Ms de Freitas, you were about to come
 13 in, I think?

14 **MR JAMIESON:** I'm so sorry.

15 **MS DE FREITAS:** I was only going to add only that also the
 16 delivery of interventions is done at a local level and
 17 therefore they are not always exactly the same, which is
 18 part of what we drew out about the preventative
 19 approaches that happen in different places, so there
 20 aren't nationally prescribed interventions. There might
 21 be categories but what that actually looks like can vary
 22 significantly.

23 **MR JAMIESON:** Thank you. I just wanted to open this up also
 24 to our National Crime Agency officer.

25 Officer, you told us about a number of the

107

1 there has been a really great success story in what you
 2 have been able to do to reduce first-time offending etc,
 3 but what that has left for me is a bit of a gap about
 4 what do we understand about those high risk children
 5 that are the smallest part of that cohort that we need
 6 to now bring much more focus to.

7 **MR JAMIESON:** I think what some of our earlier speakers
 8 would say is that the thing about this cohort is it is
 9 a -- or the thing about this sort of offending is there
 10 are very many potential candidates but only very few are
 11 low incidents that would go on to seek to undertake or
 12 complete an attack, and so the point may come back to
 13 you that assembling that data is very difficult.

14 So, practically speaking, I think the other points
 15 that you have made to me is that some of these risk
 16 factors for VFI offending, isolation, adverse childhood
 17 experiences, safeguarding-type concerns, are also risk
 18 factors for other sorts of offending more generally.

19 Are the interventions that you have in relation to
 20 those risk factors effective or are there gaps?

21 **MS LANGLEY:** I mean I think there is more work to do to
 22 build on our evidence base about which interventions are
 23 effective, but we know that drawing on the Child First
 24 evidence base that we have, we know that interventions
 25 that are developed on a case-by-case basis, that are

106

1 interventions that the NCA can deploy, the Cyber Choices
 2 scheme, a cease and desist intervention which are useful
 3 when you are considering cyber offences. Might those
 4 also be useful where we have other risk-laden internet
 5 behaviour of a different species, so where we are not
 6 concerned about cyber offending, but we are concerned
 7 about a young person's engagement with an internet
 8 community or messages that they are exchanging or
 9 content that they are viewing?

10 **NCA OFFICER:** Yes, I think the Cyber Prevent pathway
 11 obviously is specific to Cyber Prevent, but I think
 12 there are elements from that that are transferable, the
 13 principles are transferable. So the early engagement
 14 with multiple referral pathways, the structured risk
 15 assessments, the multi-agency sharing, family engagement
 16 and safeguarding and the tailored diversionary
 17 interventions. I think in that respect there are
 18 elements that are used within the Cyber Prevent pathway
 19 that are transferable and could be used for other
 20 offending. Yes.

21 **MR JAMIESON:** I think that may be the easy bit of my
 22 question. Are those orders useful elsewhere? Yes. The
 23 potentially more difficult bit is how do we offer them
 24 up? How do we make sure that the information -- because
 25 if I'm the Youth Justice Board sitting over there, or

108

1 indeed if I'm probation and I have the multi-agency
2 information that I have captured about an individual,
3 what may very well be missing from my assessment of
4 their risk is a picture of their online profile, what
5 they do, how they interact, the material they view, the
6 things that they say. If that is information that is in
7 the NCA's possession, how is that going to be
8 communicated, provided in that multi-agency structure so
9 that the right interventions can be designed?

10 **NCA OFFICER:** So if we have an individual where we would
11 make a referral into those boards, we would share that
12 information and intelligence with them. And the
13 evidence, if, say, we had access to devices, we would
14 share that as part of the risk assessment.

15 **MR JAMIESON:** Are there well established pathways for that
16 to happen into multi-agency structures?

17 **NCA OFFICER:** Yes. We have a specific cell that would deal
18 with, for instance, COM-related offending, sexual
19 offences and counter-terrorism, and that intelligence
20 cell is set up, and would share the intelligence and the
21 risk assessments and then would look to put -- if we are
22 at the point of offences having -- potentially being
23 committed, which agency or which force would be the best
24 to lead in that criminal investigation. But there would
25 be joint working with the social services, the MASH

109

1 So you may have a health professional that has
2 a good and established relationship with that family and
3 how do you use that professional to engage another
4 service with them.

5 It is trying to build that multi-agency partnership
6 and support in getting that engagement and re-trying
7 that engagement before you move into a place that's more
8 enforcement related for it.

9 **MR JAMIESON:** I think implicit in your answer is that you
10 don't want to criminalise a youth, that means you
11 probably can if you want to so that coercive power is
12 there in the background for those sorts of multi-agency
13 discussions where you are involved. So prosecution is
14 an option; you do not want to jump straight to it but it
15 is there if it is required?

16 **MS DE FREITAS:** Yes.

17 **MR JAMIESON:** May I turn again to the NCA officer and say,
18 this is an issue that you also raised in some of your --
19 perhaps you can't arrest, perhaps there isn't the
20 evidence to arrest or to bring any charges but you are
21 trying to bring pre-offending disruption.

22 **NCA OFFICER:** Yes.

23 **MR JAMIESON:** What can you do where there is no consent?

24 **NCA OFFICER:** We have limited powers. Again it would be
25 going back to sexual risk orders, looking at if there

111

1 teams, the Youth Justice Boards and that is
2 an established network that we have already in place.

3 **MR JAMIESON:** Thank you.

4 May I move on to a slightly different topic under
5 this heading. Again thinking about interventions in the
6 disruptive space, so before the coercive power of
7 a conviction or an order is available.

8 What are your views on the course to be adopted if
9 young people decline to consent to participate in those
10 disruptive interventions or, alternatively, if their
11 parents are obstructive or decline consent, how can that
12 problem be mitigated? I will open that to the Youth
13 Justice Board because they were nodding.

14 **MS DE FREITAS:** Disengagement is a challenge. I think our
15 response is not to then create an immediate kind of
16 criminal justice response, so not to escalate that to
17 criminal justice. The emphasis is on how professionals
18 then might change the way that they attempt that
19 engagement to make sure that they have come back
20 together to review what do they know and what has
21 changed in a period of time where things have passed or
22 what they each have picked up in that space of time, to
23 think about is it a different lead professional that
24 should be trying to engage to facilitate access to
25 another?

110

1 were other crime types associated with that individual.
2 If it is cyber we have -- obviously the pathway that we
3 have got is the Prevent and Cyber Choices, but again
4 that's not statutory, that is with consent.

5 Within the CT world that Prevent work is statutory
6 and can be enforced, which we don't have for Cyber
7 Choices, but it is limited with the orders that we have
8 got, but as I say there is a gap that we have identified
9 and we will be looking to address that with the Home
10 Office, but that's specifically for under 18s.

11 **MR JAMIESON:** But that's specific to your Cyber Prevent that
12 you are talking to us about?

13 **NCA OFFICER:** Yes.

14 **MR JAMIESON:** I would like to broaden this question to civil
15 orders more generally. Ms Muzaffer, I'm going to come
16 back to you if I may.

17 You told us about in some of your case studies,
18 essentially highlighting the difference between
19 terrorist offenders and non-ideological offenders. My
20 paraphrase, but in the non-ideological cases your
21 prosecutors had had to find a work-around because
22 terrorist-specific offences were not available and so
23 they had to find other offences that could be prosecuted
24 for, in this case document offences under the Terrorism
25 Act.

112

1 And you frankly told us that that meant although the
2 full circumstances are in front of the courts, one of
3 your jobs as the Crown Prosecution Service is to make
4 sure that the charges you bring forward reflect the
5 seriousness of the offending, in those cases the charges
6 available to you did not reflect the seriousness of the
7 offending.

8 I want to bring that learning that comes from your
9 prosecution into the world of civil orders and, if we
10 may, back to youth diversion orders. Because youth
11 diversion orders are also focused on terrorism-type
12 offending, aren't they?

13 And so the similar -- I have said to you already
14 that the interventions that they can require can be very
15 far reaching, very intrusive, but they have as
16 a pre-condition some sort of either a terrorist offence
17 or an offence that has terrorism motivations. Is it
18 a gap in the system that there is no such order where
19 ideology is missing?

20 **MS MUZAFFER:** As I mentioned in the presentation, it is not
21 the role of the CPS to comment on where legislation may
22 be ineffective. We do contribute, as I mentioned, to
23 wider cross-HMG engagement in relation to the
24 development of both legislation and measures as to
25 whether, for example, how they would work in practice.

113

1 **MR JAMIESON:** Okay. So if I bring it back to the offences,
2 the characterisation that I gave of those circumstances,
3 where I suggested that because those offences did not
4 have an ideologically -- they didn't have an ideological
5 motivation, the CPS considered that the charges that it
6 could bring did not reflect the seriousness of that
7 offending, that would be an appropriate impression for
8 me to take away?

9 **MS MUZAFFER:** As I mentioned in my presentation, as I have
10 said, we in those cases were constrained by the
11 statutory provisions that we had. We could only bring
12 charges in relation to possession of documents which
13 quite clearly on the facts did not reflect the overall
14 gravity of the offending which was obviously in relation
15 to potential attack preparation as well. So, yes, that
16 is correct.

17 **MR JAMIESON:** Thank you. I'm going to move on to my final
18 topic and that is multi-agency working, and I'm going to
19 come back, if I may, to the Youth Justice Board.

20 The Inquiry has heard a number of professionals from
21 a number of different backgrounds recommend and advocate
22 for what's known as a "big front door" approach,
23 a single triage agency that could point cases of
24 concern, particularly involving children and
25 adolescents, to the most -- to the agency best capable

115

1 But it is not our function to comment on whether there
2 are legislative or regulatory or civil gaps in the
3 orders that we have. As I have said, our function is
4 defined by statute, it is a prosecution function; it is
5 not a function in terms of managing risk before offences
6 are committed.

7 **MR JAMIESON:** I think I'm going to gently say that this is
8 a Public Inquiry set up in the public interest --

9 **MS MUZAFFER:** I do understand that.

10 **MR JAMIESON:** -- to identify the best way of dealing with
11 this cohort, and so if you have a personal reflection on
12 the question I have asked you, understanding the caveat
13 that you can't commit your organisation, if there is
14 a personal reflection we would be keen to receive it.

15 **MS MUZAFFER:** I think as a personal reflection, it would be
16 fair to say that if measures can be put in place to
17 manage risk at an early stage, that is clearly
18 beneficial. But that management of risk would sit with
19 other agencies. I can't give a response on behalf of
20 the CPS in relation to perceived or potential gaps in
21 legislation, other than those I have mentioned already
22 in terms of, as you said, where we have had to bring
23 alternative offences because we have not been able
24 within the statutory framework to prosecute, for
25 example, for preparation of a terrorist attack.

114

1 of providing the necessary intervention.

2 I have taken it from what you have said so far that
3 you would be in favour of a big front door approach. Am
4 I right about that?

5 **MS DE FREITAS:** In principle, yes. I think a big front door
6 approach provides a really good opportunity to provide
7 that full understanding in one place to make a single
8 assessment that then can really make sure that the
9 interventions for it are rooted and supported by the
10 right partners. Alongside that, you need to think about
11 how does that front door also provide the house, as it
12 were.

13 So you can't have everything going through one
14 place, if you then do not have the provision behind it
15 that enables you to effectively address the risk that
16 you have identified through that referral.

17 I would like to just bringing a little bit of
18 realism about delivery at the moment at the local
19 authority level because that's how a MASH operates, as
20 a front door, not necessarily a big front door as we are
21 talking about now, but it is a mechanism that is already
22 in place to do a lot of that triaging and think about
23 where does intervention needs to happen.

24 Simply extending that could feel like a good idea,
25 but that has to be supported by the right resources

116

because at the moment the scarcity of both resources in funding and the stretch of people who are working with children mean that things can get fragmented, that people begin to work in silos, because they are managing in an environment that means they are overwhelmed.

So whilst in principle, yes, I completely agree that a big front door and creating a model of that type would be beneficial, that has to be supported by a wider national framework about how, and then enough discretion so that it can be locally delivered in way that meets the needs of that local area.

MR JAMIESON: Yes. Coming back to MASH, one of the things that you have mentioned in your presentation so far, and in your answers so far, is that it is important where an individual doesn't fit the criteria for any particular agency or perhaps doesn't consent to a particular referral, it is important for there to be ongoing evaluation of the risk that they pose or indeed whether or not they now do fit those criteria for referral.

So an ongoing case-holding, case management, case assessment function, as I understand MASH it does not provide that function. It is a one-off consideration of a case, where should this go? Which agency is best capable of dealing with it? Is that correct?

117

country of the Care and Safety House structure that they fulfil, where essentially the agencies get around in the same way, consider a person, but if the consideration of the group is that the individual doesn't actually perfectly fit any of the criteria, one agency will say: well, they are close enough to us and we will take them. Good enough.

When I asked him how they had managed to establish that culture, essentially he said: well, we are Dutch, and that's what we do.

How can we establish that culture in this country?

Where agencies say: good enough, we will take it, we can see there is risk.

MS DE FREITAS: Can I offer a very personal view?

MR JAMIESON: Yes.

MS DE FREITAS: I think that that is about making sure that we're not working to whether or not the thing that we are offering to the child meets the thing that we have been trained to offer to the child or been commissioned to offer to the child. It is really about establishing that cultural shift that says: this child actually doesn't belong to any particular agency because they can feature in any of these agencies. You know, it isn't a youth justice child or a CAMHS child or -- because that child is experiencing that whole system. And until

119

MS DE FREITAS: They will vary because the MASH should also keep a historical record of referrals that have come into them and therefore if you get a new referral, there should be some linking together of an understanding --

MR JAMIESON: But they have to do some sort of trip wire?

MS DE FREITAS: Yes.

MR JAMIESON: They don't have an ongoing risk holding, risk management function?

MS DE FREITAS: No, and I think that lends itself to the point I made about actually the ability to resource that well enough.

MR JAMIESON: Just in terms of that problem that you identify of -- I don't think it is controversial evidence that you give that public services are stretched in this country and are trying to do more with diminishing budgets.

One of the factors in AR's case that the Chair identified in his Phase 1 report is that one of the consequences of that was that a number of agencies restrictively apply their criteria to ensure that their caseload does not increase, and that somebody who is obviously risky doesn't fit any of those criteria and is ultimately not picked up by anybody.

Last week we heard from Professor Bram Sizoo, from the Netherlands, who told us about the approach in that

118

you truly move those silos, which in part are created by resource scarcity and having to set your threshold higher and higher so that you can actually make the budget not go into the red or the purple or however hard it is going to be, you are not going to achieve that level of really thinking about "How do I meet this child's need?" but also the then public protection implications of that, for the greater good of what that means.

MR JAMIESON: And how do we -- with apologies for continuing the theme -- but that aspect, two sides to this risk, the problems, the challenges, the experiences that that child may have suffered, on the one hand, that might need to be mitigated and need intervention, but also the risk that they pose to the world at large; how do we ensure that both sides of that are within that structure? How do we do that?

MS DE FREITAS: I think that -- because they are not opposing things in my view, but actually understanding a risk that a child poses is always rooted in what is it that we understand about that child's needs or what might be impacting on them. And trying to make sure that professionals don't see it as one side or the other is the challenge that sits with all of us.

I don't know that I have the answer to how you make

120

1 that happen.

2 **MR JAMIESON:** But some sort of structure that encouraged the

3 organisations not just to think about their own area of

4 responsibility but to think about the child in general

5 might be a step along that way?

6 **MS DE FREITAS:** And I would add that at an individual and

7 local level when with a child, absolutely, and that that

8 comes again at an area level, again at a regional level,

9 again at a national level.

10 This isn't just about how do we make local

11 authorities or individual case manners work differently,

12 but how do we coordinate and integrate at all parts, so

13 that we are system thinking to manage children that pose

14 risks.

15 **MR JAMIESON:** Thank you.

16 I have rather monopolised the Youth Justice Board

17 with those questions, because it seemed to me that they

18 were most suited to those, but may I offer them up to

19 our National Crime Agency officer.

20 Anything to add on those questions of culture?

21 **NCA OFFICER:** So -- in respect of the multi-agency big door?

22 **MR JAMIESON:** Yes.

23 **NCA OFFICER:** Thank you.

24 So the principle of a coordinated triaging and early

25 information sharing aligns with effective risk

121

1 the focus is obviously at the disruption stage rather

2 than pre-prosecution.

3 **MR JAMIESON:** Yes.

4 Sir, do you have any questions?

5 **SIR ADRIAN FULFORD:** I don't.

6 **MR JAMIESON:** Then thank you very much.

7 Can I suggest that we come back at 2 o'clock for

8 seminar 6B.

9 **SIR ADRIAN FULFORD:** Before we part, I want to very

10 profoundly thank the four of you for the assistance

11 you've provided. A lot of work has gone into preparing

12 your presentations and you have had to endure

13 questioning from us. It is very helpful that your

14 organisations have participated in the way that you have

15 in these seminars, and you leave here with my thanks.

16 **(1.02 pm)**

17 **(The short adjournment)**

18 **(2.00 pm)**

19 **(Live broadcast resumed)**

20 **SIR ADRIAN FULFORD:** Yes, Mr Boyle.

21 **Introductions**

22 **MR BOYLE:** Sir, this afternoon we are hearing seminar 6B,

23 which remains in the topic of effectiveness of current

24 laws, systems and orders, but is focused on online

25 frameworks, powers and disruption.

123

1 management. So any model really should require clear

2 governance, the defined thresholds, accountability

3 arrangements and clear ownership. Existing multi-agency

4 arrangements do already provide elements of this

5 approach, but it is who would be that lead agency

6 ownership.

7 **MR JAMIESON:** Wouldn't the initial triage identify that

8 agency? Couldn't that be built in?

9 **NCA OFFICER:** Yes, I think with -- it would look at which

10 type of offending is most likely to be the outcome, and

11 then where would that sit, with which agency, and which

12 area of criminality would take the lead in that

13 particular investigation. But ownership, I think,

14 throughout is key, and I think it is the responsibility

15 for all of us to make those decisions and to share that

16 intelligence with each other and establish a lead

17 agency.

18 **MR JAMIESON:** But the identity of that lead agency, there

19 needs to be one but it needs to be flexible depending

20 upon the context?

21 **NCA OFFICER:** Yes, sir.

22 **MR JAMIESON:** Thank you very much.

23 I'm going to offer the same issue to the CPS. If

24 they have any comment to make?

25 **MS MUZAFFER:** Not in relation to that point because, again,

122

1 We are back to normal broadcast and video this

2 afternoon as per previous seminars.

3 Sir, the Inquiry is going to hear from three

4 speakers in this area. The first speaker will be Mr Rob

5 Richardson who is Deputy Threat Lead for Child Sexual

6 Abuse at the National Crime Agency or NCA.

7 Mr Richardson leads Project RHYOBASALT which is the

8 national response to the Com Network threat. The

9 Project seeks to bring together a coherent response

10 across law enforcement, safeguarding partnerships,

11 industry, academia and The Third Centre to deliver

12 a public health approach to this new harmful threat.

13 The second speaker will be Professor Lorna Woods who

14 is Professor of Internet Law at the University of Essex.

15 She is an expert speaker on the law and regulation of

16 the internet, especially child safety, online harms and

17 safety tech. She started her career as a practising

18 solicitor in a technology, media and telecommunications

19 practice in the City of London. She has extensive

20 experience in the field of media policy and

21 communications regulation, including the internet,

22 social media and data protection. She has contributed

23 to many commissioned studies including, for example, the

24 RAND Study on Options for and Effectiveness of Internet

25 Self- and Co-Regulation, the Hans Bredow Study on

124

Co-regulation and the Media, and the European Audiovisual Observatory study into Media Pluralism and Competition Issues. She has been asked on numerous occasions to give evidence to Parliamentary Inquiries both in UK and abroad and also works with a number of international organisations.

The third speaker also Mr Adam Hadley who is founder and Executive Director of Tech Against Terrorism. Mr Hadley established Tech Against Terrorism in 2015 in response to a UN security resolution calling for greater collaboration between the public and private sectors in the fight against terrorism online.

Tech Against Terrorism aims to disrupt the operational activity of terrorists, including by collecting open source intelligence about terrorist and nihilistic extremist activity from the surface web, and notifying tech platforms of the presence of terrorist content on their services.

The UN security council has since recognised Tech Against Terrorism for enabling the global tech sector to tackle terrorist use of the internet and respecting human rights. Mr Hadley is also CEO of QuantSpark, a strategic consultancy focused on analytics and AI.

Sir, those are our speakers and I now invite Mr Richardson to speak. I know that Mr Richardson will

125

this as well around how networks of offenders work together, but I think it is important to hear from a law enforcement perspective how we see that, because that's driving our response.

I will include some case studies because that will sort of demonstrate some of the challenges that posts to the law enforcement environment, and then, importantly, I will talk about what we are doing about it, what we can do about it, and perhaps importantly as well what we can't do about it and where we might be seeking some support.

So, Com Groups, and again just so far this slide doesn't include anything particularly graphic but when I do get to some of the graphic slides I will try to include a warning.

So, we wrote about Com Groups in the 2025 National Strategic Assessment for Serious and Organised Crime. We saw this as a new phenomenon, and part of the challenge was that we were seeing this new subculture, a network of young children who were sharing increasingly harmful material but couldn't understand what it was, and the challenge for law enforcement is that we saw networks of children sharing harmful content but didn't necessarily meet a particular kind of aspect of the way in which the law enforcement community is

127

seek to give appropriate warnings, but please note there are a couple of slides that contain images of blood which some might find distressing.

SIR ADRIAN FULFORD: Thank you very much.

Presentation by MR RICHARDSON

MR RICHARDSON: Good afternoon everybody.

Yes, I'm Rob Richardson, I'm from the National Crime Agency. I'm going to talk to you for the next 45 minutes or so around a threat that we have described as "the Com", and I'm conscious the last week or so you have heard other speakers talk about Com networks. Just a little observation around language, sometimes these are described as nihilistic violent extremism, sadistic online extortion, and we've seen some new language around violence interested online communities. The language we use is "the Com". It's short for "community groups", and hopefully as I go through this presentation you will see why we use that language, but essentially this is a term that is well understood amongst law enforcement partners, both domestically and internationally, but also with academics and with other NGOs.

What I will be doing is I will be describing the threat as we see it from a law enforcement perspective. It may seem repetitive because I know you have heard

126

structured.

But what we saw was groups sharing extreme materials and you have probably heard these lists before but I'm going to go through this list because it demonstrates the scope and the diversity of harmful content.

The purpose of the sharing of the harmful content is not for any kind of specific ideology, and I will go on to that, nor is it for any kind of sexual gratification, but simply for this concept known as "clout". It is notoriety, it is credibility among the network, known as clout.

So what we see are groups sharing child sexual abuse material, and this is why I got involved, as the Deputy Threat Lead for Child Sexual Abuse at the National Crime Agency any sharing of child sexual abuse is going to come to my attention.

The sharing of extreme right-wing terrorism, again purely to cause harm and distress, not necessarily in furtherance of any ideology, an interest in sharing any occult material, and we also see some kind of harmful ideologies, such as misogyny, racism and other kinds of content which is designed to cause harm and distress among the network.

Where I am particularly worried in the area that we are really kind of concerned about is around some of the

128

coercion particularly of young girls, often pre-teenage, often suffering from existing mental health issues who are coerced into self-harm which includes the cutting and carving of letters and symbols into their body, as well as the creation of child sexual abuse material and then the ongoing abuse of others, friends and siblings and younger children.

We also see animal cruelty, and often we have seen kind of the sharing of some really horrendous kind of cruelty that has been meted out on pets, but the sharing of that kind of material. Then although not a crime, doxxing and swatting, and these are techniques that are used by networks in order to attack each other. This is a kind of a technique that they use to compete with other networks but also as a method of protecting their networks as well.

And when I talk about doxxing, I mean the publication of private details around individuals as well as their families, and then swatting, which is not much of a problem in the UK but we see it largely overseas around the false creation of an armed incident that requires an armed response.

Then there is a third aspect of it which is around the crossovers with cyber crime and cyber Com Networks and you will have heard this morning from a colleague of

129

traditionally will fall to Counter Terrorism Police, and again so there will be kind of gaps in our ability to be able to tackle it.

So what we kind of have is, if you see that diagram there, is we kind of -- what's known as harm hybridisation. We have a number of different crime types. When we are looking at directing resource towards these particular offenders, often it is really difficult for them to meet the criteria for one particular crime type or another. So it is really important that we look at this in the totality, so we can understand the true harm and then ensure we have an appropriate response in place.

Just one more point before I move on, one of the things that is really important to notice, the non-ideological violence is not necessarily limited to real world violent attacks on other individuals. This could include -- and what we do see in the Com Network would be kind of bricking, attacking houses, things like that with stones and bricks, arson attacks and graffiti, which again proves a challenge for policing, because when you see that without the context of a Com group, it is difficult then to be able to refer that back to any kind of online activity.

But the important thing is all of this behaviour is

131

mine who will have talked about that aspect of it. But some of these networks are sharing ransomware, malware and involved a DDOS attack.

So a real wide range of harm types which does present a significant problem to law enforcement. Myself, my subject matter expertise is in child sexual abuse and as a consequence, in the NCA we have dedicated teams of child sexual abuse investigators. We work with teams throughout the UK and the police whose focus is around tackling CSA offending.

So once we start to see this offending, then hybridised with other types, then that causes some real challenges around the ability to be able to mount investigations safely and being able to kind of collect information and evidence in a safe environment.

Similarly, in the NCA we have the National Cybercrime Unit which involve specialist investigators who understand how to investigate cybercrime, and again would not be skilled in being able to tackle child protection issues in the same way those involved that are involved in CSA.

Then moving outside the NCA, we have kind of the terrorist aspects of it or the use of ideology in -- or not in the -- in some of the kind of real world violence that we are seeing, and lots of these matters

130

motivated purely by that notoriety, that sense of being part of a Com group and the need to develop clout. So we have had a go at defining what a Com Network is, and the reason why we have done this is, again, linked to our ability to be able to prioritise an appropriate response.

So, going back to those kind of three different main crime types, we have developed a definition. Firstly for the Sextortion Com where we see primarily offending that's involved the exporting of minors and the use of child sexual abuse type offences and those offences against the person, and those offences against property and animals, as a method of being able to identify where particularly young girls are the victims and we describe that as a Sextortion Com, and typically the response would then be managed by those who have those skills in being able to develop safeguarding strategies who are experienced at dealing with child protection issues.

The second aspect is those where we look at that kind of violent nihilistic world view, so that includes damage to property generally, the real world violence. Again, in typical terms that might necessarily require the capability that exists within the Counter Terrorism Policing world to be able to respond to.

Now these are not hard and fast rules but this is

132

1 just helping us make decisions on an operational basis
2 around how to respond.

3 Then the third group will be those that are more
4 tending to be involved in cyber crime, so where we have
5 networks that are sharing, using malware and ransomware
6 we need to be able to identify specific capabilities to
7 be able to tackle those.

8 But that definition -- and I am sure you have heard
9 lots of definitions already in the last couple of
10 weeks -- is one that we use for the law enforcement.
11 Whether it is right or not, it will continue to be fluid
12 as we learn more about the threat but ultimately this is
13 how we make the decisions that we do.

14 So, we have got an incredibly simple understanding
15 of what we think is going on and what is driving that.
16 Again I refer back to speakers that you have had the
17 last couple of weeks who go into much greater detail.
18 But from a very simple perspective, what we are seeing,
19 and this is from the data that we are collecting from
20 our investigations, is this concept of loneliness
21 amongst children, socially excluded children, children
22 who are struggling to make friends, children who are not
23 necessarily involved in education, children who have had
24 bad experiences in education.

25 There is a really interesting report that has been

133

1 a very bleak understanding of their future. We have
2 a cost of living crisis, the role of the man -- men in
3 society was struggling for prominence and they found
4 women as being the fault of all of their problems, and
5 so that misogyny just kind of fuels that grief -- sorry,
6 that anger at the world, it finds somebody to blame.

7 Then it leads to what we describe as online
8 radicalisation. To be clear, when we talk about
9 radicalisation in this context, we are not talking about
10 radicalisation into a terrorist ideology, but into
11 joining networks and we see some examples on the screen
12 here of some of the networks, and these are essentially
13 how children that are drawn into these harmful spaces
14 develop a sense of being in a community.

15 This poses a problem that we will go into later
16 around how do we move children away from these
17 communities. We are talking about children who do not
18 have friends. They do not have a sense of community.
19 They create that sense of community online and for the
20 first time in their lives, or the first time in a long
21 time, they have actually got friendships and they feel
22 part of a community and that causes problems around how
23 we get them out of that.

24 I'm going to very briefly just discuss the role of
25 ideology. As I said, it is really important to note

135

1 produced by the Resolver organisation called Weaponized
2 Loneliness which I think describes the threat quite
3 well. And essentially this has been exacerbated by the
4 lockdown following Covid which forced and drove an awful
5 lot of children, who were already struggling to make
6 friends in the real world, into online environments.

7 Now, so what you have is socially excluded children
8 spending an inordinate amount of their lives online.
9 I have an example of a child in Northern Ireland who
10 spent so much time online -- if you think about how
11 strong the Northern Ireland accent is, he actually spoke
12 with an American accent because all the friends he had
13 were online and were American.

14 We know the way that algorithms work on social media
15 platforms tend to favour harmful content over helpful
16 content. So these kids who are already socially
17 excluded have been exposed to harmful content. Then the
18 third influence is around extreme misogyny, the
19 manosphere, and in fact actually this is becoming worse
20 because we have started to see this concept of
21 misanthropy: hatred of everything -- not necessarily
22 just a hatred of women, a hatred of everything.

23 In the early days of this we saw the victimisation
24 of women because we had boys who were influenced by
25 manosphere and other misogynistic influences who had

134

1 that the motivations for these behaviours is around that
2 sense of community, that competition between different
3 networks for who can cause the highest levels of harm.

4 Now although sometimes some harmful ideology-type
5 material is present, the purpose of the sharing of it is
6 not in furtherance of that ideology. Children will
7 understand that the sharing of imagery such as ISIS
8 beheading videos, extreme right-wing violence, is
9 hurtful and harmful and causes distress but it doesn't
10 mean they believe in that ideology.

11 Then, a second kind of interesting observation that
12 we have made is around the role of sexual motivation.
13 So for me working in the child sexual abuse environment,
14 typically, CSA is carried out by adult men who have
15 a sexual interest in children. Now we are starting to
16 see the creation of child sexual abuse material which
17 has been weaponised and it is actually being used as
18 a tool to create harm and to control their victims.

19 On this slide we mention the creation of
20 "LoreBooks". We see these as a method of keeping score,
21 it is like a score card. We see a gamification of the
22 behaviours in the networks and those LoreBooks are not
23 only used to keep score but also to share tradecraft.

24 But this again causes a challenge for the law
25 enforcement community where we are used to understanding

136

1 the motivations behind CSAM and the abuse of children;
2 this motivation has now changed and the motivation is
3 different.

4 So this is an example of some of the conversations
5 that we are seeing in some of the chat rooms and some of
6 the platforms where these kids are on. This is just
7 an example of where one member of a Com group is asking
8 advice from another member of a Com group around how
9 they can coerce a young girl, or persuade them to cut
10 for them. I just kind of include that. Again it is
11 sort of points to some of the challenges that we need to
12 overcome. It's that on the one hand what we have is
13 boys who think that this kind of behaviour is
14 acceptable. That the kind of harms they are talking
15 about have become almost gamified and normalised, but
16 what that means as well is that there is something about
17 us being able to identify the victims and being able to
18 look at methods of how we can support and protect those
19 victims and prevent these victims being drawn into some
20 of these kind of harmful relationships.

21 On the face of it, what we are looking at is
22 grooming and so we see grooming, typically used to -- in
23 the CSA environment, we are used to adults who pretended
24 to be children grooming children. In these
25 circumstances we have genuinely got teenagers,

137

1 persuading them to cut themselves. I know it is
2 distasteful but that central image there, often those
3 kind of cut signs are giving instructions to girls as to
4 where to cut themselves and to cut the label, the
5 branding, of their networks into their arms.

6 That image on the right "Kill yourself for 764" is
7 an example of a fan sign. So again these groups will
8 persuade children to cut themselves and then use that
9 blood to create these imagery on the walls. And do you
10 see the other images in the centre? You can see that
11 occult-type messaging.

12 Sir, just to repeat these are children coercing
13 other children to produce these images and they are
14 doing this on Minecraft, on Discord, which is a platform
15 which is used for gaming.

16 The good news is that Bradley was arrested in the
17 States in 2020. He has 80 years in prison.

18 I'm going to come onto some other examples about
19 some equivalent cases in the UK and I want you to have
20 a look at the difference between the prison sentences.
21 What's really interesting in the States is they have
22 some useful legislation. For example at the time there
23 was an offence to be the administrator or moderator with
24 a CSAM platform and that came with some hefty
25 sentencing.

139

1 adolescents, who are effectively grooming each other.
2 I include this slide to give a real graphic illustration
3 of the level of harm and the way in which the children
4 who are involved in these networks are engaged in this
5 harm and I think it is important to remember that this
6 is children on other children.

7 I will now include a couple of cases, some examples
8 of individuals who have been successfully identified,
9 prosecuted and now thankfully are being punished in
10 prison, but these next images do include some quite
11 graphic imagery. It has been described as image-based
12 violence as well, as another definition for this.

13 The 764 group is one that's often used as
14 a shorthand for all of this and often you may see
15 stories in the press. 764 is used as a shorthand for
16 the Com group. This was started by a young boy, Bradley
17 Cadenhead from the States, and the phrase "764" comes
18 from the zip code where he lives in Texas. The
19 interesting thing for me is that he met other associates
20 on Minecraft, and those people who understand what
21 Minecraft is, this is a game, it's a bit like Lego
22 online. It is a kid's game and he is meeting other kids
23 online and as a consequence of that he is moving on to
24 other groups, in this case a Discord server and is then
25 coercing young girls into performing sexual acts,

138

1 In the UK we have Vincent Charlton, and this is
2 a young boy at the age of 12 who was fixated on gore,
3 violence and death websites. He was drawn into
4 a 764 network and I think it is important to note that
5 the 764 network is not one big network, it has become
6 a bit of a catchall for describing lots of different
7 networks. He's befriended vulnerable teenage females.
8 So we see this pattern again, is that the
9 vulnerabilities amongst teenage networks, he has made
10 friends with them, he has encouraged them to share
11 sexual images and then ultimately he has identified
12 a victim. And it is important to note here as well that
13 that victim is in Italy. It reinforces the
14 international aspect of this threat. This isn't just
15 a group of boys in the UK. Because of the Internet,
16 which is no respecter of boundaries, we are seeing
17 offending across international jurisdictions.

18 So in this circumstance a 13-year-old victim in
19 another country, in the US, and he's persuading her to
20 self-harm, cut his user name into her body. You will
21 notice that when he was arrested not only did we find
22 indecent images of children, but also bomb making
23 materials, assassination techniques and so on. So what
24 you start to see there is that crossover between the
25 Sextortion Com and that real world violence Com.

140

1 If I go back to the issues at the beginning, it's
2 not as simple as these kids being involved in one or
3 another; they are populating different types.
4 Look at the sentence -- similar kind of offending to
5 Bradley Cadenhead -- he got 14 months of which 28 months
6 is custodial. So, there is potentially a kind of
7 a difference in the kind of legislation that's available
8 in the US and the UK.

9 Then finally Cameron Finnegan. Cameron Finnegan is
10 relatively well known. The BBC have done a series of
11 podcasts and described him as a Satanist and all sorts
12 of really alarmist language. He is another -- he was
13 a troubled young man. Spent an awful long time as
14 a youngster in foster care. Again, finding
15 relationships, making friends with people online where
16 previously he struggled to do. In this slide there is
17 some imagery there, some examples of fan sites, so
18 where's persuaded some victims to produce blood to
19 create that imagery and it is an example of the kind of
20 behaviour he was involved in.

21 Again, victims were not just in the UK, they were
22 also overseas, and he is trying to coerce them to take
23 their own lives online.

24 One of the things that's quite interesting is that
25 he was committing graffiti and he was damaging cars, and

141

1 It is important to recognise that offenders are children
2 too and they have safeguarding needs as well, so we
3 describe that in this model as tertiary prevention.

4 So, you know, by the time you've got to tertiary
5 prevention, it is too late. And in my eyes, every
6 investigation that we do, every child we safeguard as
7 a system we have failed because we have allowed a child
8 to be harmed. And so there is more that needs to be
9 done in both primary and secondary prevention.

10 But by way of reassurance I just wanted to describe
11 what we are doing in a law enforcement environment.

12 So we have set up an intelligence and coordination
13 cell, and this is jointly with Counter Terrorism Police
14 and domestic policing and it is designed to solve the
15 problem that I mentioned at the beginning around the
16 various different crime types falling into various
17 different specialities amongst the law enforcement
18 community. By bringing together expertise from the
19 National Crime Agency, Counter Terrorism Policing and
20 domestic policing, we should be able to avoid some of those
21 cases that would have previously fallen through the
22 cracks.

23 That sits at the centre of a network that brings
24 together the international picture as well as the more
25 local picture. So internationally, we have set up --

143

1 it points to another challenge, that we may see some of
2 these behaviours in the real world. Without
3 understanding their online behaviours it is then
4 difficult to understand what those motivations are. So
5 community policing, local communities might identify
6 some of this imagery but not really understand the
7 significance of it and so there is a challenge in being
8 able to link that to online behaviours.

9 Cameron is now in prison for six years.

10 So all distressing, harmful, and worrying. So what
11 are we doing about it?

12 So this is where Project RHYOBASALT comes in. At
13 the beginning I'm really grateful for that introduction
14 around taking a public health approach because this is
15 really important that we do this.

16 What we see amongst the networks of offenders is
17 a wide range of different engagement with the networks.
18 From a law enforcement perspective it is -- I'm not
19 going to say it is easy but it is easier, relatively
20 straightforward, to be able to identify active
21 offenders. Who are those individuals who have crossed
22 the line to committing criminal offences?

23 In those circumstances, we are then able to start
24 criminal investigations and then start to look at
25 safeguarding victims and also safeguarding offenders.

142

1 well, we work with the Five Eyes Law Enforcement Group.
2 For the next year or so, the NCA is chairing that group
3 and that allows us to use our leadership to be able to
4 influence our partners to focus on this. We are, we are
5 focusing on the Com, and I mentioned previously that the
6 threat is international. The need to be able to share
7 information, conduct investigations across different
8 international jurisdictions, understanding and
9 developing shared definitions and be able to look at
10 what we can do from a policy, from a safeguarding
11 perspective is important that we do that with our
12 international partners.

13 So we are doing that with our Five Eyes partners,
14 and for those that are new to that, what I mean by that
15 is it is a law enforcement partners in the States,
16 Canada, Australia and New Zealand.

17 Similarly, we are working closely with Europol.
18 Europol has set up a dedicated task force which does the
19 same thing around sharing information and looking for
20 opportunities to conduct joint investigations.

21 So, that is then coordinated by that central unit,
22 the RHYOBASALT intelligence coordination cell. Then we
23 have a national coordinator who sits on that cell and
24 their job then is to engage with regional coordinators.
25 So in the UK we have a network of regional organised

144

1 crime units, there is ten across the country and that
2 then allows to bring some coordination to the local
3 police forces.

4 Essentially, that network allows for the sharing of
5 information in real time, so that where we identify
6 children at risk, we are able to disseminate information
7 to allow forces to be able to respond.

8 At the same time, the NCA is responsible for
9 receiving referrals from industry, cyber tips around
10 criminal -- usually child sexual abuse material that is
11 shared online. Where we identify that there is
12 potential Com group activity amongst those cyber tips
13 then we are able to feed those into the central
14 coordination centre so that we can then ensure that we
15 have an appropriate response.

16 So, from a tertiary perspective, tertiary prevention
17 perspective, we have a law enforcement mechanism which
18 has been designed to respond. However, if we kind of
19 consider the scale of children who are potentially at
20 risk, it does just sort of take those at the top and, as
21 I said previously, once we are starting a criminal
22 investigation then we have failed because children have
23 been hurt.

24 So where we have some real gaps is around our
25 primary and secondary prevention. What are we doing

145

1 Justice System, or we have identified that we kind of
2 prevent re-offending in the future.

3 So, what are we doing from a prevent perspective?
4 One of the things that has been really interesting for
5 me and this is a personal observation, is that when we
6 set up Project RHYOBASALT we had a whole wide range of
7 different partners, policing partners, policy partners,
8 working with the private sector, industry partners,
9 charities and so on.

10 One of the things that was really interesting was
11 that those individuals who had children of either
12 a pre-teen or teen age changed their behaviour around
13 how they engaged with their own adolescent children,
14 around the access to the internet that they had, about
15 the platforms that they were on.

16 So, there is a kind of a -- there is a clear
17 observation, then: if those people who could understand
18 the threat, what can we do to ensure that that is
19 universally understood?

20 However, before we get to that, there are some real
21 risks around how we engage with the public. One of
22 our -- one of the risks that we are trying to manage is
23 that by speaking to young people directly about these
24 particular threats is going to create two things: (1)
25 curiosity and (2) the risk of copycatting. So our

147

1 around children who are on the networks, they may not
2 necessarily be involved, but are lurking and starting to
3 be influenced by that?

4 And this is an area where we have got a real gap and
5 you will have heard from others such as Laura Smith from
6 NABS+, they are looking at identifying not only kind
7 what the criminal pathways into those environments are
8 but also what works in that environment. What is in our
9 playbook? What are the menu of options that we have to
10 be able to change the behaviour of young children who
11 are starting to engage in those networks?

12 Law enforcement can deal with the criminal aspects
13 of it but changing the behaviour before they meet that
14 criminal threshold, is a gap.

15 Then, similarly, how do you make the internet safer
16 for everybody? And that's why we are here, isn't it?

17 That must and has to include a cross-HMG approach,
18 that primary prevention, universal education and prevent
19 service, and I will go into a little bit of kind of what
20 we have done but it is scratching the surface. I think
21 it is also important to note that, although I mentioned
22 primary, secondary tertiary, there is also a quarternary
23 prevention, and this is around the prevention of
24 re-offending, around lifetime management of offending
25 and preventing those that have gone through the Criminal

146

1 communication strategy around how we raise awareness has
2 had to be quite careful.

3 However, what we can do is speak to professionals,
4 and that's what we have done. So, we have produced
5 investigative advice that has been made available to the
6 whole of the law enforcement community around how to
7 specifically investigate these community groups, and
8 that includes the bespoke safeguarding requirements,
9 recognising that all those involved are children, both
10 offenders and victims.

11 We have also issued an alert to children's
12 safeguarding partnerships. So these will be teachers,
13 those involved in Multi-Agency Safeguarding Hubs, those
14 social workers, local government authorities, teachers,
15 anybody who has a caring responsibility, we have issued
16 guidance to raise awareness to understand the threat.

17 The difficulty we've got, actually, is that we
18 can -- we can illustrate what the threat is; the
19 difficulty we've got is knowing what to do about it.
20 And again, this is a bit of a gap that we have.

21 The third aspect of it, I think, is really
22 important. When I was showing some of those slides,
23 what I noticed amongst this room was the facial
24 expressions, and people were horrified, quite rightly.
25 What that kind of illustrates is those people who work

148

1 in this environment are going to be affected themselves,
2 and so what is really key is that we support those
3 people who work in this environment.

4 We have teams who deal every day with horrific child
5 sexual abuse materials. We have other teams who deal
6 with horrific terrorist-type materials. But not both at
7 the same time. And that creates a real, kind of,
8 wellbeing challenge for those who are involved, and so
9 we have produced -- and this is an example where we've
10 worked with our international partners, working with the
11 Royal Canadian Mounted Police we've produced some
12 wellbeing guidance which is designed to keep our staff
13 safe, for those who work in this environment.

14 Finally, we have issued an alert to industry.

15 So, the two main platforms that we see these
16 networks on are Discord and Telegram. Discord is
17 a well-known platform that's used by the gaming
18 community and does have trusted(?) Safety teams and
19 does its best -- and engages with law enforcement when
20 it is identifying criminal content online. Telegram
21 less so. So, understanding why those networks are being
22 used in particular is of interest.

23 Nevertheless, it is important that we inform our
24 industry partners what is going on on their platforms,
25 so they can then start to introduce measures to be able

149

1 organisation, our reach is limited, and although we will
2 try to get this kind of messaging out to as wide
3 a population as possible, what is needed is a whole
4 governance response. And so it will be really
5 interesting to see what comes out of that to, sort of,
6 understand what works.

7 Then, understanding criminal pathways. So you heard
8 from Laura last week that we are working with NABS+, who
9 are conducting a whole series of academic research to
10 try to understand what's happening in this threat area.

11 What we want to do, from a law enforcement
12 community, is then make use of that. What is it --
13 where are the criminal pathways that creates
14 a vulnerability where we can then look to tackle and
15 look to bring together behaviour change interventions
16 that might, kind of, work in that, kind of, primary and
17 secondary intervention space.

18 Then, finally, the NCCU and Cyber Choice, I think
19 you heard from that extensively this morning.

20 So, in summary, the NCA we have brought together the
21 law enforcement community. We are working closely with
22 partners both domestically and internationally.

23 We are conducting joint investigations and we are
24 developing an increased understanding as a consequence
25 of those investigations, and we are developing some

151

1 to try to reduce it, but also to identify it and then
2 refer it in to appropriate partners. So we have issued
3 an alert to do that.

4 This week on Tuesday we issued -- in the NCA we have
5 a capability which is known as CEOP Education, and
6 primarily this has previously been used to educate
7 teachers, children, parents, professionals that work
8 with young people, around how to protect themselves from
9 child sexual abuse material. We produce specific
10 guidance around this Com which was released on Tuesday.

11 And following that up, we are delivering a strategic
12 Com's campaign. So I mentioned some of the challenges
13 that we've had. It's taken a little bit of time to do,
14 but effectively we are going to produce two products
15 this year. We are holding a Com intensification week,
16 which will start on 12 October, and the purpose of that
17 will be to talk directly to children about the threat.

18 And we will be starting with pre-teen females around how
19 to, where they can, spot these potential, kind of,
20 harmful behaviours, the attempts to groom and how to
21 protect themselves online. And then that will be
22 followed up with the corresponding product which will be
23 tackling adolescent boys.

24 Now, that is work that we can do from the National
25 Crime Agency, but it's really limited. We're a small

150

1 thinking around how we can prevent offending and how we
2 can protect it, but it is limited.

3 It is limited to the networks that we are
4 identifying. It is limited in regards to the scope and
5 the scale in which we have an impact. And so what we
6 are looking to do, and we are really encouraged by some
7 of the thinking that's coming from the Home Office
8 around how we, from a law enforcement perspective, can
9 work with the wider cross-Government response and we can
10 contribute to that to be able to deliver a whole-system
11 response.

12 **SIR ADRIAN FULFORD:** Thank you very much indeed. That was
13 very helpful.

14 **MR BOYLE:** Thank you, Mr Richardson.

15 Sir, we are ahead of schedule but have a long day
16 scheduled, so I suggest we take -- stick to the
17 10-minute break and resume at 2.50 pm.

18 **SIR ADRIAN FULFORD:** I absolutely agree. I will rise.
19 (2.40 pm)

(A short break)

21 (2.50 pm)

22 **SIR ADRIAN FULFORD:** Yes, Mr Boyle.

23 **MR BOYLE:** Sir, thank you. I will invite Professor Woods to
24 the stage please.

25 **Presentation by PROFESSOR LORNA WOODS**

152

1 **PROFESSOR WOODS:** Good afternoon. That's me. As you can
 2 see, I'm hoping to do three things. One is give a brief
 3 overview of the Online Safety Act, which is quite a long
 4 and complex piece of legislation. Then talk about some
 5 issues relating to it before talking about image
 6 deletion orders and other orders that sit outside the
 7 Online Safety Act.

8 I'm not going to focus the talk particularly on
 9 violent content. In one sense it is going to be quite
 10 a flat and neutral presentation, but I would say that
 11 some of the sorts of content that are relevant would be
 12 triggers for the Act, so terrorism content, some forms
 13 of hate speech, some of the suicide and self-harm
 14 content and even below the criminal threshold, if we are
 15 talking about children, violent content, content
 16 including animal cruelty and the like.

17 So, this is my attempt to do a diagram basically
 18 summarising the regulatory regime in Part 3 of the Act.
 19 The horizontal lines relate to two types of services
 20 which are regulated. The first is called by the Act
 21 "user-to-user" services and it is basically social media
 22 messaging apps but can include gaming and online
 23 marketplaces, anything where users can encounter content
 24 created, uploaded by other users. So quite a broad and
 25 open definition in some respects.

153

1 There's no such requirement in relation to search
 2 because they don't host the content, and also in
 3 relation to content, harmful to children. The idea
 4 being that adults should still be able to have access to
 5 this sort of content if they want to. So takedown would
 6 be too strong.

7 There is age verification required on user-to-user
 8 services that we don't see expressly in the Act for
 9 "search", but in practical terms, they are probably
 10 going to have to find some way to identify who children
 11 are, so probably comes in anyway.

12 "Cross-cutting duties" are things like providing
 13 complaint mechanisms, but also duties relating to
 14 freedom of expression, user's freedom of expression and
 15 their privacy.

16 There are subcategories within these main categories
 17 of service, two for user-to-user and one for search.
 18 And in the most part, these are just putting additional
 19 transparency requirements on the services. But for
 20 Category 1, which are the largest and riskiest
 21 user-to-user services, there are additional duties
 22 relating to fraud, what I have termed public interest
 23 content, so journalistic content, content important for
 24 democracy, user empowerment, that is giving users
 25 filters and the like, more stringent duties around

155

1 "Search" is what it says, but it can include things
 2 like ChatGPT, because they can be used to search
 3 engines. And to talk about chatbots and AI, in
 4 principle, they could be caught within the Act's
 5 framework, provided they satisfy one of the base
 6 definitions. So some are in, some are out.

7 The way the Act operates is that companies are
 8 supposed to do a risk assessment of all the features and
 9 functionalities, taking into account their user base,
 10 the prevalence of certain sorts of content on their
 11 platform, to come up with a list of hazards and
 12 problems.

13 Then there is a safety duty, and these duties are
 14 divided into two: illegal duties which relate to what
 15 the Act calls illegal content and they apply across the
 16 board; and the second are protection of children duties,
 17 which apply when services are accessible by children.
 18 And that's about whether they are accessed by children,
 19 not whether the platform or the service is designed for
 20 children.

21 The main idea might be the same, that the detail is
 22 different. In principle for user-to-user services, they
 23 have more control of content, so you see the Act
 24 expecting there to be systems whereby criminal content
 25 can be taken down.

154

1 freedom of expression and an obligation to enforce their
 2 terms of service.

3 So, the first thing to say about this regime is it
 4 is not designed for anyone to come along and say: please
 5 take down that item of content. What it requires is
 6 that the systems themselves, that the companies provide,
 7 should work better and in particular the Act, for
 8 user-to-users, says that there should be an effective
 9 takedown mechanism.

10 But it isn't limited to moderation. It could look
 11 further up the communication chain. So it could be how
 12 are you onboarding your users? Do you allow anonymity?
 13 Do you allow bots? Do you allow disposable accounts?
 14 Do you provide filters? What are the discovery
 15 mechanisms and what are mechanisms that you give to
 16 users to engage with content? Do you give them the
 17 chance to curate their own feeds, for example?

18 So it could be a whole range of things, but the Act
 19 focuses on this obligation to have takedown.

20 As I ran through that previous slide you can see
 21 that the obligations vary between platform and depending
 22 on the content type. I think perhaps the key -- a key
 23 point is the limited protection for adults, that once
 24 you hit 18 the only things that protect you are content
 25 related to criminal offences, which is rightly because

156

1 we are talking about the criminal law, quite a high
2 threshold. Otherwise you are looking at user
3 empowerment tools and hoping companies perform their
4 terms of service, but those are only for a limited set
5 of services.

6 We have a regulator, Ofcom. It has an important
7 role both in terms of providing guidance to companies
8 and in enforcing. Two points to note. Ofcom's codes
9 are linked to something called a "safe harbour". So if
10 the services comply with what Ofcom says in its code,
11 they are deemed to be satisfying their duties. So that
12 means what ends up in Ofcom's codes is quite important.

13 In terms of enforcement, Ofcom's preference is to
14 try to bring people to the table and to get buy-in,
15 rather than to go straight out with a big stick. So
16 this has led to some concern about transparency as to
17 what it is doing and where the results actually are.

18 Ofcom's code in relation to the illegal content
19 duties, in relation to user-to-user services, focused
20 very much on getting the moderation systems to work, and
21 it was this aspect that I think it was concerned about
22 when it opened an investigation into X.

23 We got a concession. The formal details aren't
24 public, it's a press release saying there had been
25 concessions about the speed of responding to

157

1 in this year services will now have to have crisis
2 response protocols. Ofcom is not saying what they
3 should be but the company should come up with this
4 themselves.

5 As I have said, there is an extension in the use of
6 hash matching, just coming in now with the fraud duties,
7 automated tools to detect fraud and suicide content.
8 I have mentioned the changes to recommender, and more
9 consideration of proactive technologies in relation to
10 grooming and CSAM.

11 So, where do we go with the thinking about how the
12 Online Safety Act works? Well, the fact that it wasn't
13 designed for crises and it was designed as a systemic
14 approach, it means that when we have a particular
15 problem, law enforcement and authorities don't have
16 a route in that is required by the Act -- still to some
17 extent relying on personal relationships and the
18 informal mechanisms that have been in use over some
19 years.

20 There is a question of whether using particular
21 types of content as a trigger and in particular focusing
22 on moderating items of content after the event is
23 effective given the scale of the platforms, and whether
24 there is a case for looking at some of the upstream
25 measures, they may be content neutral but, say, cut down

159

1 notifications about terrorist content.

2 The Act does envisage the possibility of what it
3 calls proactive technology. This could include hash
4 matching, upload filters and the like. But it could
5 also be determining behavioural patterns and network
6 analysis. So far that's been limited in what Ofcom has
7 recommended. We have hash matching in relation to CSAM
8 and rules are just coming in relating to hash matching
9 for non-consensual intimate image abuse.

10 A lot of people have expressed concern about the
11 role of recommender tools in surfacing violent and
12 extreme content, and the codes are, or have been, quite
13 limited in what they require. The Children's Safety
14 Code is -- contain provisions saying that, if there were
15 reasonable grounds to believe that there was content
16 harmful to children, it should be taken out of the feed
17 until a determination has been made and they are now
18 moving in that direction for some types of illegal
19 content.

20 The codes came in last year, first iteration. Ofcom
21 almost immediately set about another phase of work. In
22 fact, it was triggered to some extent by the Southport
23 riots because it became apparent that there was nothing
24 about crises in the Act or in the codes. So it
25 consulted on a range of additional measures, so coming

158

1 on the exploitability of the platform design, the fact
2 that they are designed to reach a mass audience, so that
3 whether you start looking at some controls around
4 account creation, for example, or looking at some
5 rebalancing of the recommender algorithms moving away
6 from engagement-based metrics for example.

7 Perhaps more practically, there is a question about
8 the speed of investigations. Ofcom I think prides
9 itself on being an evidence-based regulator and in
10 principle I think that's a good thing. We don't want
11 people making stuff up. But sometimes it feels like it
12 takes a while for an investigation to come to fruition.

13 There is a staged process set out in the Act, which
14 envisages the start of an investigation, the gathering
15 of information, the giving of an interim notice, the
16 response of the service provider to that notice, some
17 further information gathering before finally you will
18 get to a decision and it is only at the point of
19 decision at the moment that Ofcom has any enforcement
20 powers. It can tell providers to take steps but only at
21 that end point.

22 One thing to say about this though is that Ofcom is
23 operating in a very litigious environment. The big
24 companies that regulate have form in other areas of law,
25 the GDPR but also the Digital Services Act in Europe,

160

very heavily litigated, and Ofcom is already receiving judicial review actions in relation to its use of information gathering powers and in relation to its categorisation of some companies as Category 1. That might make a regulator be very cautious in terms of crossing i's and dotting t's on evidence as it goes through an investigation.

There is a question about what information can be shared between different actors. Section 393 of the Communications Act restricts Ofcom as to what it can share in relation to information it's gathered through the exercise of its powers to the point where it could not share information with the Children's Commissioner in the exercise of her powers. So that might be a little bit problematic if we are looking at coordinated responses.

The Act doesn't require trusted flagger-status, though the codes are starting to bring those in. I think it is fair to say that the platforms still are the primary place for determining what goes on the platform.

One of the key things of the Act is this idea of criminal content. But, it misses some of the point in that the choice architecture in a lot of cases, and particularly recommender algorithms, are impactful in

161

benchmarking to illegal content. In the offline world we control content without criminalising it: advertising, films, videogames. So it has always struck me as odd that online we can only regulate when content is bad enough to be criminalised.

And it means that for sub-criminal content and escalating pathway, it is difficult to catch unless you are trying to fit the content into the category of content harmful to children. For under 18s there is a question as to whether age verification, this idea that they just don't see it and all is all right, solves the problem anyway.

There are concerns about addictive behaviours, and as Rob mentioned, some children spending an awful lot of time online.

There are some issues with the way codes are drafted. I mentioned the risk assessment duty and Ofcom did its own market-wide risk assessment duty, found lots and lots of problems, but its codes focus on a narrow range of solutions. And that means a lot of the problems are being unaddressed and, because of the "safe harbour", do not have to be addressed.

Ofcom has explained some of this by the requirements in the Act as to the quality of the codes. They have to propose measures that are technically feasible, that are

163

the content that is seen and goes viral. It is not the only thing but very impactful. And the focus on content makes it more difficult to look at these systemic questions.

There is also an emphasis on trying to fit content into boxes and particularly fitting content into the priority boxes. That is a list of offences that are determined "priority illegal content", and which, as the word "priority" indicates, should be prioritised in companies' responses to the matter.

But what's happened is in over the two years since the Act got Royal Assent, we have seen everybody and their dog campaigning to have offences added to that list. I think there is somewhere in the region of 135 or more listed at the back of the Act.

It means that other offences which could be relevant, just normal relevant criminal offences, are to some extent overlooked, and I think in terms of boundary cases, something like section 127.1 which is grossly offensive communications, which the Government has suggested could be used in relation to animal cruelty, for example, are not really well considered. So that in shining a spotlight on "priority", it casts a shadow on other things.

I think there are problems related to this idea of

162

proportionate and that are clear. And Ofcom, I think, perhaps because of the litigation background, has taken a narrow view as to what falls into each of these sort of approaches. Technical feasibility is a bit unclear anyway. Nobody I think would expect a service to do something that was physically impossible.

But the wording of the technical feasibility condition also refers to cost. So are we saying this is just too inconveniently expensive for services to deal with? And who decides that?

And it is slightly worrying because proportionality also says: please take into account the cost as well as the impact on the victim. And I suppose in rule of law terms there is always the question of when do you go from too vague into too precise? Because if you are too precise, you end up with a very, very rigid and easy to break or circumvent system.

I have mentioned the emphasis on ex-post moderation. I have also said there are other factors that you could take into account in terms of the system. The business model and revenue sharing is one. And certainly if we look back at Andrew Tate and the like, part of his motivation was the revenue from the advertising that was shared with the platforms.

So, do we need to look more broadly at the sorts of

164

considerations that are impacting the content?

Ofcom in its codes has said that the search engines' obligations limit after one click. And, I don't know, perhaps people who spend their time looking at the content, is one click enough to catch -- to take you from the search results into illegal content that a service provider has to do something about?

Now, proactive technology has been discussed in the context of prevention. We could also talk about network analysis and all sorts of clever things. There are quite stringent conditions for use on these. There is a need for safeguards particularly around privacy but Ofcom has also got to look at accuracy levels. And it is taking time for Ofcom to get the evidence to make an assessment on that.

There is also a question of, if we leave it to the services to determine their own choice of proactive technology, where they are making trade-offs between accuracy and recall, whether we are going to get a consistent -- sorry, position and recall, are we going to get a consistent picture across the internet?

There's also a question about what remedies you would have for users in that context.

Terms of service are the fallback. Ofcom actually expects most moderation to be done by relation to

165

they be entirely ignorant of the problematic nature of the content?

So this means, in my view, that potentially a piece of content could spread across a platform and be something that triggers the duties and then something that doesn't trigger the duties and then back again.

This is from a document called the "Illegal Content Judgements Guidance", which positively rolls off the tongue. It is from Ofcom. Poor Ofcom had to come up with this document. And you can see there Ofcom making the point precisely:

"... the illegality of the content in each new iteration [each time it is posted or shared] will depend upon the likely state of mind ..."

Now, in relation to NCII, the women's charities said this was ridiculous and Ofcom has now written into the guidance that there is a presumption that unless you can almost prove that you didn't have the requisite mental state you have it on reposting NCII. Ofcom has also taken quite a flexible view as regards to when the mental element is satisfied for terrorism content, and I think CSAM is another one where it is quite easy to show.

But across the board it is inconsistent. So we may be relying on particular criminal offences, find this

167

a service's own terms of service, and in fact the Act says that a service provider cannot take action against content or a user unless that is already specified in its terms of service.

Moreover, the only people required to enforce their terms of service are Category 1 services. So that's the really big user-to-user services. There is, even for them, no minimum threshold, and we have seen companies taking protection backwards, withdrawing rules relating to certain sorts of content over the last two years or so. There is also no provision saying that they can't roll back on terms of service.

So, although that is a significant plank in protecting adults against non-criminal harms, it's got holes in it.

There is a big problem in my mind with the idea of criminal content, because we criminalise the behaviour of individuals, not content. And a crime will specify the act and the mental element, and it seems like service providers have got to work this out and make a good guess, not to the criminal threshold but still have a good guess.

But the problem for viral content comes with the assessment of the mental element of people down the chain. Will they have the same mental element or will

166

in-out in-out effect. This is not just a problem for law enforcement and for Ofcom but, in some cases, victims and particularly non-consensual intimate abuses.

So, you will be relieved to know that that is the last I am going to say for the time being on the Online Safety Act, but I'm going to talk briefly about responses to non-consensual intimate image abuse. Because there was a real problem getting content down, even off the back of criminal offences.

And a lot of the women's groups were finding that even if they complained to the platforms, the platforms were very slow in responding, notwithstanding the fact that they are supposed to have an effective takedown system.

So the which went through Parliament this year contains a couple of provisions pertinent to NCII. This is on top of the changes that Ofcom made to its codes in relation to hash matching for NCII.

So this is section 100. I lied, it amends the Online Safety Act, so I'm still talking about the Online Safety Act, but it adds to the takedown system obligation by saying you have a general obligation to have an effective takedown system and, whatever else happens, you have to be able to take down or disable content within 48 hours.

168

1 Interestingly, it is not just that content but also
2 similar content. Ofcom will have to change its codes
3 again. It is going to consult the tail end of this
4 year. And in general terms, under the Online Safety
5 Act, failure to comply with a confirmation decision,
6 that's the decision at the end of the enforcement
7 process, is a criminal offence.

8 I don't know why 48 hours. I think that that might
9 be a bit slow, actually, for NCII. It might be a bit
10 slow for other types of content that are highly viral.
11 But it seems to be what we are stuck with because
12 somebody else did that.

13 The Terrorism Act 2006, section 3, refers to
14 48 hours. The Americans brought the TAKE IT DOWN Act in
15 relation to NCII, that was 48 hours. So I think it has
16 been: 48 hours will do.

17 Still systems based. So, still no right to claim
18 takedown. There is no individual route to redress.
19 This is all just saying: in general, does your system do
20 this?

21 And it is interesting that it only applies to NCII,
22 not CSAM, not terrorism, not other types of criminal
23 content. It is just the result of motivated
24 campaigning.

25 Motivated campaigning also led to image deletion
169

1 There are the weaknesses that I have just gone
2 through, just to mention that previous practice with
3 CSAM was to ask for such orders and to add also that if
4 a court decides not to make an order, it has to say why,
5 so the presumption is these will be made.

6 The CPA also interviews content removal notices
7 whereby a designated police officer can give a notice to
8 a designated person in a service to withdraw content,
9 again 48 hour timeframe but it does envisage that the
10 platform has a right of review.

11 This one is backed up by a civil penalty. So there
12 is a certain inconsistency coming in with these
13 piecemeal takedown mechanisms.

14 So, in summary, we are seeing bits and pieces coming
15 in to allow specific takedown but apart from the 48 hour
16 timeframe, they seem actually quite different in terms
17 of who's driving the process and the sorts of content
18 that is covered by them. There doesn't seem to me to be
19 a logic that it should be NCII and adverts for weapons
20 rather than other content.

21 Finally to note that for victims of NCII, they could
22 conceivably do civil law claims under data protection or
23 defamation, which might get them takedown orders as
24 well. I don't see those being available for criminal
25 content such as weapons ads, violent content or the
171

1 orders. This hasn't been commenced yet. It is
2 section 102 of the Crime and Policing Act. And it
3 allows the court to make an order following a conviction
4 from a range of sexual image based offences for,
5 I suppose, the problem images to be deleted.

6 This was the problem. This is from the guidance
7 from the CPS on communications offences, which they
8 updated last year, because basically the courts weren't
9 using the powers they did have, and the courts and the
10 CPS were saying that they didn't provide complete
11 coverage because it is hard to put the idea of a digital
12 image with the idea of rules that are designed to attach
13 to physical objects. So there was a problem and I think
14 there was a lack of recognition that this was a thing
15 they should be doing. So section 102 is designed to
16 deal with that.

17 Deletion is defined and it means different things
18 depending on different media. So if you have a physical
19 photo, it is destruction. But for most of the others it
20 is rendering irrecoverable in various ways. It still
21 only relates to the content that is in control of the
22 person who is convicted. So you have a problem with
23 viral content and I just wonder whether, in that
24 circumstance, you have to go back to Online Safety Act
25 mechanisms or the civil law, which might cover NCII.
170

1 like.

2 I think I come onto the final slide.

3 There are other powers that attach further down the
4 stack, going into the domain names area. So there were
5 some only brought in in 2023, originating from the 2010
6 Digital Economy Act. That bites on UK registries and is
7 more about technical misuse of the internet. So it is
8 spam and scams. But they do list one content area,
9 CSAM, as a trigger for these, and the Crime and Policing
10 Act now brings in some other rules which could attach to
11 registries outside the UK in relation to serious crime.
12 And that's any crime that would be likely to get you
13 three years on a first conviction.

14 I don't know how you enforce that if the registry
15 you are addressing the order to does not want to
16 co-operate. You are back into standard areas of
17 international co-operation.

18 There is the freedom of expression concern here all
19 the way through this, the various legislation has tried
20 to balance freedom of expression with public interest
21 and victim's rights. But when you are talking about
22 taking out a domain name entirely, there is potential
23 for catching a lot more legal speech, innocent speech.
24 So potentially much more serious consequences.
25 And that's it.
172

1 **SIR ADRIAN FULFORD:** Thank you very much indeed.
 2 **MR BOYLE:** Thank you Professor. Sir, I suggest we break for
 3 10 minutes and come back at 3.40 pm.
 4 **SIR ADRIAN FULFORD:** Indeed. I will rise.
 5 **(3.30 pm)**

6 **(A short break)**

7 **(3.40 pm)**

8 **SIR ADRIAN FULFORD:** Yes, Mr Boyle.

9 **MR BOYLE:** Thank you, Mr Hadley.

10 **Presentation by MR HADLEY**

11 **MR HADLEY:** Good afternoon. I'm Adam Hadley from Tech
 12 Against Terrorism and I will discuss four areas in my
 13 presentation.

14 The first I will introduce Tech Against Terrorism as
 15 an NGO. You may not have heard of us and the work we
 16 do. Then I will provide a brief overview of the threat
 17 landscape as we see this, present some regulatory
 18 challenges, and then some constructive suggestions about
 19 what we do.

20 Tech Against Terrorism is a non-profit based in
 21 London that primarily works with the UN Security Council
 22 and members of the Security Council to address the
 23 terrorist use of the internet. Our mission is to
 24 disrupt the terrorist use of the internet in order to
 25 save lives.

173

1 understanding the nature of the terrorist use of the
 2 internet and then disrupting this. So we only operate
 3 on publicly available information, in other words, open
 4 source intelligence and our aim is to understand how
 5 designated terrorist organisations in the countries or
 6 the jurisdictions that we apply, how do terrorists use
 7 the internet in that regard and what can be done about
 8 it?

9 This results in threat to life alerting. Last year
 10 we shared more than two dozen threat to life alerts to
 11 governments around the world, and this also results in
 12 24/7, our incident response. So if there is a major
 13 terrorist attack we are working to find content relating
 14 to that, have that content reported and removed.

15 Secondly, we provide capacity for governments and
 16 platforms of all sizes. This is policy advice, open
 17 source intelligence and so on.

18 Then thirdly and finally, we build technology to
 19 help discover, triage and alert terrorist content to
 20 platforms. I should state that we operate on the basis
 21 of finding content that we believe violates terms of
 22 service of platforms and/or is illegal in whatever
 23 jurisdiction applies. So that the main piece of
 24 software we use is called the Terrorist Content
 25 Analytics Platform. I might come back to this later.

175

1 When we were established around a decade ago the
 2 purpose was of this was to form a public/private
 3 partnership recognising that governments and tech
 4 companies and civil society need to come together to
 5 address this global problem.

6 Most recently we were mandated in the Security
 7 Council Resolution to support the government of Somalia
 8 in preventing the use of the internet by Al Shabaab.

9 So, what do we do? Who do we work with? We work
 10 with and I would venture to say against dozens of
 11 platforms that host terrorist content and facilitate
 12 terrorist activity. Where we can, we aim to work with
 13 platforms big and small to improve the technology that
 14 they have to detect terrorist content and obviously to
 15 remove it where appropriate.

16 We also work with quite a few governments, of course
 17 with the UK Government, the Home Office here, as well as
 18 a range of civil society actors and smaller platforms.
 19 So our aim is to be comprehensive in the range of
 20 technologies that we work with. As you might imagine,
 21 we are increasingly working with AI companies given that
 22 the terrorist use of AI is probably the most concerning
 23 trend that we are working with at the moment.

24 So what do we do? There are three elements of what
 25 we do at Tech Against Terrorism. The first is

174

1 So our open source intelligence team monitors the
 2 terrorist and violent extremist entities from right
 3 across the spectrum, of course violent Islamist
 4 extremist groups, extreme far-right groups and
 5 nihilistic violent extremist activity. Most of our work
 6 is actually in countering violent Islamist extremist
 7 activity and extreme far-right, but that is mainly
 8 because platforms are more responsive to the removal of
 9 content relating to this.

10 One thing I would say as well is from our point of
 11 view, and the Prevent statistics that were released
 12 recently, demonstrate the role terrorist content plays
 13 is not incidental. I am sure others will have the
 14 statistics more available to them but it should be
 15 self-evident that the internet is not a secondary
 16 factor. Where radicalisation and mobilisation is
 17 concerned, in many cases here in the UK and certainly
 18 across the west, the internet and the use of it is
 19 instrumental in creating terrorism.

20 Therefore, content is instrumental and the way we
 21 handle content and the way we hold platforms to account
 22 for its sharing, is clearly important.

23 So most of what we are doing is trying to find
 24 terrorist content and then report it to platforms, but
 25 it is also pretty broad and covers network disruption

176

and also the disruption of technologies that terrorists create.

For example, many of you might be aware there are hundreds of so-called terrorist-operated websites. These websites are either owned or operated by designated terrorist organisations, ISIS, for example, Al-Qaeda, hundreds of these where designated terrorist organisations are paying service providers to host content.

When we set up Tech Against Terrorism this was very much in the context of the heyday of the use of the internet by ISIS, and I should say the amount of terrorist content online is now more than when we set up Tech Against Terrorism ten years ago. This is in spite of the Online Safety Act, the Digital Services Act and so on.

The problem we have now of course is it is almost impossible to quantify the amount of terrorist content online. I will come back to some ideas about what we can do about this but what I would say is that tech platforms, the major tech platforms, certainly over the past couple of years have done everything I would say they can do to restrict free and easy access to publicly available information online.

So it is very difficult to, at scale, find terrorist

177

and so on and so forth. Of course, AI means, when used effectively, that people can scale up the effect, certainly if they are doing things digitally, they can scale up what they are doing by perhaps a factor of 1,000, and terrorists and doing exactly the same thing.

I think there was a report last week released by Anthropic that went into the extent to which the Houthis in Yemen were using AI to create software to support missile guidance systems. Really no surprise whatsoever.

So I won't go into AI too much but I suspect AI and its use will unfortunately drive or create many more attacks in the future and it's something that should be considered very carefully.

In terms of what we do, I have gone into quite a lot of this, in practice Tech Against Terrorism uses open source intelligence to find actionable intelligence to forward to law enforcement internationally, and also to report content to platforms.

As we see it, there are quite a few emerging threats. It is actually pretty overwhelming. Not only is the amount of obvious, egregious terrorist content on the internet at unprecedented levels, the highest levels ever, but I think as we've heard already in this seminar, the subthreshold content which isn't necessarily illegal, isn't necessarily associated with

179

content. It is quite expensive as a result because then you need to hire human beings, human analysts to find terrorist content. But certainly from our experience, terrorist content -- and we are talking kind of bomb-making manuals or ISIS magazines or really clear examples of terrorist activities. It is so easy to find this content on all platforms big and small, and it is getting worse. The problem is of course we don't have a particularly comprehensive dataset to prove this.

In terms of the scope of our work, we focus on all major use cases of technology. So, of course, there is propaganda, content production, radicalisation, recruitment and there are a number of technologies that are used for that purpose.

Then there are the operational technologies that might be used by terrorists to support attack planning or conducting attacks themselves. And then there are the emerging threats, some of which are likely to dwarf all of the other use cases in its entirety.

So AI of course, we hear a lot about existential risk, we hear about the risk of AI taking over the world, and all this sort of stuff. Suddenly the newspapers are full of this at the moment, but the biggest singular strategic risk we think exists is the use of AI by terrorists to create content, plan attacks

178

designated terrorist organisations, there is so much of it.

A small NGO against Tech Against Terrorism can do almost nothing to stop this. Nation states of course should have the resources and capabilities to understand the terrorist use of the internet and I will come back to that later.

What we are also seeing is a fragmentation of threats. Of course we should be familiar with various state sponsored terrorist groups. So HAYI, "Harakat Ashab al-Islamia", which is supposedly or allegedly responsible for antisemitic attacks across the UK. According to court cases in the US apparently this is or was an Iranian information operation, allegedly.

So we are also seeing hostile nation states using the internet to undermine democracy. We are seeing hostile nation states pretending to be terrorists. We are potentially seeing hostile nation states also amplifying and supporting the type of content we have been discussing today.

The problem is of course we don't really know, because platforms are doing everything they can to restrict access to publicly available information, and clearly Government capability with regards to open source intelligence is obviously inadequate.

180

1 So the priority for us as an organisation is
2 focusing on the AI threat, trying to understand how
3 terrorists are using AI and how they are using it to
4 create content.

5 In terms of the threat landscape relating to VFIs,
6 I think as we have already heard today and before, there
7 are a number of means or movements or groups that
8 broadly fall into the categories that we were
9 discussing. There is the True Crime Community, there is
10 the Com network, there is gore-focused ecosystems.

11 In the UK, of course, under terrorism legislation,
12 that largely deals with groups, traditional hierarchical
13 organisations. The nature, of course, of the threat is
14 we are more talking about movements now, so ideas and
15 memes and identity. So it is much more amorphous than
16 perhaps we have seen previously. That's not to say, of
17 course, the traditional hierarchical terrorist
18 organisations have gone away, they are clearly still in
19 existence and using the internet. This is adding new
20 threats into this, some of which is connected to those
21 organisations and hostile nation states.

22 I would probably draw a line through this as well.
23 On the one hand we have these movements, the Com
24 network, however you want to define that, True Crime
25 Community, etc. But you also have individuals who have

181

1 importance of the internet, we need to understand this
2 better.

3 What complicates this, of course, is there is really
4 a rather complex ecosystem. The pathways to
5 radicalisation and mobilisation are hard to predict in
6 some senses but what we do know is that terrorists,
7 violent extremists, and those who are vulnerable to
8 radicalisation and mobilisation, including VFIs, will
9 use a whole range of different platforms for different
10 purposes. Sometimes using them in parallel. Sometimes
11 using them as a sort of funnel.

12 And this does vary depending on the type of
13 threat actor we are talking about, but, fundamentally,
14 all terrorists, all extremists, will use a variety of
15 platforms.

16 So we have the tradition social media platforms, of
17 course, many of which have dropped their standards to
18 such an extent that terrorist content can be found
19 within one minute. We have gaming ecosystems that
20 slightly more closed, in some ways, but also very easy
21 to find terrorist content. Then we have the encrypted
22 messaging apps, of course, and a whole range of
23 publicly available hosting, archival, file-sharing
24 sites, and terrorist-operated websites.

25 So if you want to get a multi-terabyte archive of

183

1 no connection to any of these memetic movements
2 whosoever, who may be inspired by an enormous, random
3 assortment of content.

4 Now, in terms of ecosystems, I think it is really
5 important to stress that, considering, I think, the
6 majority of caseload of Prevent consists of individuals
7 who have been radicalised online, and presumably that's
8 similar for arrests as well, it is really important to
9 understand the role the internet plays in all of this.

10 Unfortunately, there is a paucity of data available
11 on how the internet is used. It is virtually
12 impossible, of course, to analyse court records, public
13 court records, to understand how the internet has been
14 used for those who have been successfully prosecuted.
15 There really is no data. It is very hard to pass
16 court records in the UK. There is no definitive,
17 really, archive of how the internet is being used by
18 prosecuted individuals.

19 Now, given, I think, we -- hopefully we'd all agree
20 that the internet, unfortunately, is playing
21 a fundamental role in radicalisation and mobilisation of
22 individuals, why is it that the amount of information
23 and intelligence available on this is so limited?

24 I would imagine there are various systemic reasons
25 that may explain this paucity, but surely, given the

182

1 ISIS material there is a website for that. You can just
2 type it in and you can download all of it in one go.
3 Freely available to absolutely everyone. The mind
4 boggles.

5 So, in terms of tactics, techniques and procedures
6 with regards to VFI activity, there are, I suppose,
7 three ways of describing this.

8 The first, of course, is that algorithmic
9 amplification on most platforms is pretty potent. As we
10 all know, even if we use Instagram, we know as normal
11 people we might go down a particular funnel of content.
12 It is quite hard to get out of it. But, of course, if
13 we are vulnerable and fixated on a particular idea, the
14 algorithms will reinforce this.

15 There is no observability of this, of course. There
16 is no mechanism to understand at scale how is
17 algorithmic amplification working, what effect is it
18 having. We don't know. We have no way of knowing.

19 So this is kind of a hypothesis, I suppose, but the
20 point I'm saying is given how important this is, why
21 don't we know? Why does the Online Safety Act not
22 address this? What other mechanisms are in place to
23 understand the nature of algorithmic amplification?

24 So this algorithmic push is suddenly part of this.
25 We use this against terrorists and others in many cases.

184

We will create accounts, we will like content, and we will let the tech platform recommend terrorists to us, like, you know, friend requests almost. It is actually quite an effective way to map out large terrorist networks, is actually to let the TikTok algorithm find terrorists for you. It is surprisingly easy to do so.

There is user-generated content as well. We have heard before about the performative nature of VFI activity. Victim and perpetrator sometimes being the same person.

We have heard the word "clout". Well, I suppose it is kind of renown and recognition and all these things that Louise Richardson highlighted in her book several decades ago, *What Terrorists Want*. It is as true now as when she wrote that. And I have mentioned, of course, cross-platform activity.

So I think these things relate to all terrorist activities and all extremist online activities, but in particular to VFIs.

We also know about gamified pathways to exposure. So we have heard of Discord and Roblox and so on. There is a huge amount of this material on there.

I think what particularly concerns me though is, given the huge volume of egregious terrorist content, ISIS material, Al Qaeda material, etc, I mean multiply

185

that by maybe 10,000, 100,000, that is probably the volume of this subthreshold VFI-related content that's available on the internet.

That's my conjecture. There is no way of knowing because we actually just don't know really what's on the internet, but I suppose we can work backwards from a number of investigations.

One of which is the Kadenholic Network. This is one example of many. So a 764-related set of accounts that we found. Didn't take very hard to find this, a few keywords. And then we were able to map out hundreds and thousands of other individuals, potentially actually bots, promoting 764-related ideas and trying to, I suppose, recruit, radicalise and mobilise individuals.

Of course we reported all this to the platforms and to the authorities and so on. It is just an example, really, of the sort of content that's out there.

We know, of course, that VFIs are associated with a broad range of harms. We know that victim and perpetrator are often kind of interchangeable. And there are many different pathways online.

On this slide we have just tried to illustrate what a potential pathway looks like for this type of activity. So, it might be that someone has exposure to content on TikTok. This then becomes amplified. They

186

then might want to join a community or a group on Telegram. They then might go into a closed group and so on. So there are many of these kinds of radicalisation/mobilisation loops.

Once you have found a way in, as an analyst, you can map this out quite easily. It just needs a kind of -- an expert, someone who understands how to do open source intelligence, and often all of this is opened up.

I should stress that the vast majority of this is all publicly available. So it's actually -- there is nothing password protected about any of it. You just need the capacity to find this activity and then to monitor it.

Just going back to what I was saying, there is such a huge amount of content online, it's often -- the bigger challenge is knowing where to start, because there is so much.

As we see here, this -- this kind of real example, TikTok, Telegram, Discord, going round in circles, recruiting, radicalising, mobilising largely young people into violence. This is happening all the time.

In some cases platforms will remove this. The threshold is quite high. There are some examples of us finding individuals on Tumblr who were talking about whether they would kill themselves and so on and so

187

forth. Very hard for us to know who to report that to. Is it the NCA? Is it CTP? Is it other parts of the police? Is it the platform? It is virtually impossible to know what to do about this. Even if a platform agrees the content is wrong, is it the right thing to remove it? Should there be safeguarding? And how to do that internationally? It is really very difficult. What isn't difficult is finding this content. What is difficult is knowing who to talk to and what they would do about it as a result.

In terms of regulatory challenges. Terrorist content, for example, an ISIS publication, a bomb-making manual, the sort of things you would hope platforms would remove, there is an awful lot of that online. Platforms will often remove it when you tell them about it, but tend to be particularly proactive. I suggest they're not that proactive because they don't necessarily need to be proactive based on the online regulation that has emerged over the past few years.

Terrorism content, child sexual abuse material, platforms should be removing according to the law and terms of service, but the kind of sub-threshold violent content, gore content is out of scope of the law in many cases, is sometimes in scope for removal by platforms, but it varies according to the platform and the

188

jurisdiction that it is applying.

So I will skip through some of the Online Safety Act material. What I would say is that where VFI-related activity is concerned, there is complete fragmentation responsibility in all countries, not just the UK. It is very unclear to us who we should report this material to. If there is a child who is clearly ideating suicide or self-harm or intent to harm to others it is not clear who we should report that to. Clarity there would certainly be appreciated.

But I think this applies to the whole research community as well. VFI-related activity doesn't neatly fit into any existing category of harm and as a result it is difficult to know what to do about it.

I would say as well that platforms, certainly their transparency has reduced over the last couple of years. The Online Safety Act, certainly in my experience, has somewhat ironically reduced the amount of activity the platforms were doing. Things that maybe were voluntary previously they are not doing, because they don't have to do. They will do some of the things they are now required to do. In my opinion, a perverse effect of the Online Safety Act there is now more terrorist content available. But certainly across these different areas, in terms of content being posted and so on and so forth,

189

ideology has every purely primarily been the driver of political violence or terrorism. But certainly what we see from content and activity we are coming across is that there are a number of signals that can be used by platforms and law enforcement and others to identify networks of interest and individuals who are being radicalised or mobilised.

In many cases there is obviously violent ideation, an expression or admiration for violence. There is content consumption at scale. Obsessive, excessive content consumption. There is clearly fixations online, narrative obsession and other behaviours.

I think what we are trying to say here is that when individuals become radicalised or mobilised, it is not random, there are always signals of this in advance, the challenge is how to aggregate, analyse and assess those signals in a way that is appropriate.

A challenge that I think VFI-related activity particularly makes clear is the difficulty of coordinating activity. Where VFIs are concerned is it a safeguarding matter? Is it a terrorism matter? Is it CSAM? Is it other things? I think governments across the world struggle to understand how to respond to this, as do platforms.

What we would argue is that if platforms were doing

191

it is not really clear what the division of responsibility is between, let's say, Ofcom and the police and others.

As a result, there is a huge amount of material online that isn't being disrupted and, as a result, I am sure we are missing many examples of individuals who are being radicalised and mobilised online.

So what can we do about this? Clearly early prevention is important. Tech Against Terrorism, we have been working with the Mayor of London's office to create a school training programme to help schoolchildren understand how they should respond to terrorist and extremist content online. But of course there is a problem there, I would imagine the most vulnerable individuals perhaps won't be engaged with school education in the first place. So not clear whether this will really have an effect on those who are most vulnerable in the first place.

But obviously there needs to be better understanding, I think primarily of parents, of how the internet is being used and how individuals can be pulled into, radicalised and mobilised into violence, perhaps unwittingly to begin with.

Clearly at the heart of this is behaviour, not necessarily ideology. I think it is debatable whether

190

content moderation well in the first place, many of these things wouldn't be a problem at all. And there are many good examples of platforms removing content when they want to. But there isn't much coordination or collaboration with regards to VFIs and unfortunately the topic of the terrorist use of the internet is not particularly in vogue at the moment.

Certainly the attention has moved towards AI threats, which perhaps is justified partially, but when we were looking at the statistics and we were looking at Prevent and the arrest data, we know that the role the internet is playing in radicalising young people in particular has never been greater. I would suggest there needs to be more political attention on this and more pressure applied on platforms. Platforms do respond to political pressure but I think that pressure has been removed over the past few years.

In terms of multidisciplinary response and how to handle this. Well, I think, as I have argued on previous slides, what we need is more coordination and collaboration between Government departments. And also I think there is an assumption that it is only Government really that can solve this. I would actually say that public private partnerships will be important here, especially where open source intelligence is

192

concerned. There is I would say a tendency to over classify information that is publicly available in the first place.

So it can't just be Government organisations doing open source intelligence. They have to, I would argue, work with the private sector, with NGOs and with civil society. And there are a number of challenges of course where governments are concerned with the internet. I think the internet is surprisingly difficult for Government organisations to look at.

So what I would suggest is the creation of an open-source intelligence fusion centre. Without wanting to be too derogatory, I think it is fair to say that Government capacity and capability with regards to open-source intelligence is wholly inadequate.

I think there are a number of reasons for this. Fears about RIPA and reluctance from civil servants to engage with RIPA, poor understanding of how to use the internet, and budgetary constraints as well.

I would be interested to know overall what proportion of the national security budget and the Prevent budget and the CTP budget is focused on the internet. Given I think we could argue that the internet is one of the main drivers of radicalisation and mobilisation, one would hope that analysing the

193

at 4.25 pm.

(4.10 pm)

(A short break)

(4.27 pm)

Plenary Session

SIR ADRIAN FULFORD: Yes, Mr Boyle.

MR BOYLE: Sir, we now have the plenary session with our three speakers. Before I ask my questions, do you have any you would like to ask?

SIR ADRIAN FULFORD: Just a few, thank you very much.

I first have three short, very focused questions for Mr Richardson, really just to get some additional detail of one or two things that he mentioned.

Mr Richardson, the first is you somewhat tantalisingly referred to some useful US legislation without going into chapter and verse as to what may be happening in the United States which isn't happening here. Are you able to give any firmer indication as to what you had in mind?

MR RICHARDSON: Yes. So that specific legislation relates to the outlawing of the acting as a moderator or administrator of a CSAM platform. The reality is that, following the Crime and Policing Act of this year, that has now been added to the UK statute books, and in fact we are working with Home Office colleagues now to

195

internet would be a very large proportion of the budget and the resources at the disposal of the Government.

However, I would imagine that less than 1% of the overall budget is focused open-source intelligence, which is -- well, I don't know, I would be keen to understand what the budget actually is and what the focus is on the internet.

So what I would argue is necessary is a coordinated cross-Government approach looking at open-source intelligence, not just one department or one division, but a specialism with appropriate budgets and resourcing applied to this. Because clearly there is a huge problem where the internet is concerned, we don't understand what's going on, and we don't understand what to do about harmful content online. And I would argue that unless something is done about this by centralising and consolidating resources, the problems we are facing with the terrorist use of the internet will only get worse.

Thank you.

SIR ADRIAN FULFORD: Thank you very much indeed.

MR BOYLE: Thank you, Mr Hadley.

Sir, could I suggest a 15-minute break before the Plenary session, which takes us to 4.25 pm.

SIR ADRIAN FULFORD: Yes. I will rise. We will sit again

194

operationalise that. So that is a power that we previously didn't have but will be having shortly.

SIR ADRIAN FULFORD: All right. So it is something that we now have?

MR RICHARDSON: So that -- yeah, so that's the good news.

SIR ADRIAN FULFORD: Thank you very much.

Second question was, your slide which had the triangle on it, the middle section was the "at the cusp" section; have you had in mind a means of identifying who is in and who is not in the "at the cusp" section?

MR RICHARDSON: Yes. So there's two ways in which sort of we see this happening. (1) and this refers to the -- kind of the wider context about the ability to make referrals of children who we think are at risk that have not met the criminal threshold. So that might well be referrals from social services, teachers, etc. But also, through our investigations, we will examine some of these forums and platforms, we will be able to identify users who are committing offences but also those that are kind of in the background.

Then, secondly, there is some kind of initial work which is being considered with international partners around the use of AI, particularly large language models, which analyses language that's being used that helps differentiate between those that are in leadership

196

1 positions, those that are actively offending, and those
2 that are, kind of, new and engaging, and we are looking
3 at some consideration of how we might use that in the
4 future. And that's one of the advantages of us working
5 with the Five Eyes Law Enforcement Group, because these
6 are capabilities we are looking to share with our
7 international partners.

8 **SIR ADRIAN FULFORD:** So investigation in relation to that is
9 currently going on?

10 **MR RICHARDSON:** Yes, we are looking to can explore how we
11 might use that, yes.

12 **SIR ADRIAN FULFORD:** Thank you.

13 The third of these focus questions is you referred,
14 towards the end of your presentation, to having sent
15 an alert out to platforms. From my reading of the
16 literature that you have helpfully provided, that looks
17 as though it was in December 2025. If that's right, did
18 you ever have a response?

19 **MR RICHARDSON:** So we have a partnerships team and they
20 manage an ongoing relationship. So the response is
21 covered by the ongoing engagement that we have. It is
22 a bilateral arrangement that we have with key platforms,
23 and so feedback on the use of that is discussed during
24 those conversations.

25 One thing that we do know, and although we can't
197

1 about doing something about such difficulties as
2 Com groups or the Kadenholc Network and all the rest,
3 are there realistic steps that an enthusiastic
4 Government could take that would actually make
5 a difference to the existence of those sorts of websites
6 or whatever they are that currently, as Mr Hadley has
7 told us, are all over the internet?

8 Mr Richardson, do you want to go first?

9 **MR RICHARDSON:** Yes, so, to answer your first question, the
10 very simple answer is yes. The NCA position on tackling
11 these networks and the reason why we tackle a network is
12 because they demonstrate the characteristics of
13 a serious organised crime group.

14 **SIR ADRIAN FULFORD:** Absolutely.

15 **MR RICHARDSON:** And that and the way in which we would look
16 to disrupt a significant serious organised crime group
17 would be through a 4P approach, insofar as if we
18 identified the groups we would identify the leaders, the
19 main protagonists, which would be appropriate for
20 a pursue response, criminal investigation. Supported by
21 preventative and protective measures around those who
22 may well be engaging but not necessarily meeting the
23 threshold for criminal investigation.

24 The language that we use around that would be
25 a "high-value target", and one of the objectives of
199

1 directly attribute to it, we are seeing an increase in
2 reporting of Com-related offending through cyber tips
3 into the National Center for Missing and Exploited
4 Children.

5 **SIR ADRIAN FULFORD:** Does it look as though that alert is
6 having some effect?

7 **MR RICHARDSON:** It is early days.

8 **SIR ADRIAN FULFORD:** All right. Fine.

9 So my question for the panel is this, and I want to
10 introduce it by just focusing for a moment on the Com
11 groups that I think all three of you mentioned.

12 In a sort of, real physical world, if the police
13 were aware of a group of this kind meeting behind closed
14 doors, the probability, certainly the hope, would be
15 that they would go and knock the door down and those
16 leading, most of those participating, would face arrest.

17 So, I am using this as an introduction to my main
18 question, which is, is there actually, now, or could
19 there be in the future, real action that could be taken
20 in relation to a group of that kind?

21 I just want to expand that slightly by -- and I'm --
22 once again, the second time today, I'm committing the
23 offence of asking two questions rather than just one --
24 but the second part of this is whether a nation state
25 like the United Kingdom, if it was very enthusiastic
198

1 Project RHYOBASALT is to identify high-value targets so
2 that we can take that project against them. So I'm
3 reasonably confident that that would be an appropriate
4 approach.

5 And with regards to the second question, I have
6 a really simple answer, I think.

7 So, within RHYOBASALT we have developed
8 an intelligence coordination cell. However, that is as
9 a result of goodwill, it is as a result of redirecting
10 existing resources and priorities into this threat, but
11 it is not a fully resourced or dedicated unit. Nor do
12 we have an operational arm, which would -- which I would
13 kind of envisage would look like a task force which
14 would bring together capabilities from across the law
15 enforcement agency, which would be co-located, which
16 would share and access information systems and be able
17 to bring to bear capabilities to have a coordinated
18 response to these groups.

19 **SIR ADRIAN FULFORD:** Very clear. Thank you very much
20 indeed.

21 Professor Woods?

22 **PROFESSOR WOODS:** Well, I will focus on the regulatory
23 aspect, as that's where my expertise lies. I would say
24 that, theoretically at least, some of the content should
25 trigger online safety duties, so that platforms should
200

1 have this sort of content on their list.

2 I think the impact of quite narrowly focused codes
3 in the "safe harbour" has reduced the pressure on
4 companies perhaps to do some of the things that they
5 were doing. So I agree with others round the table on
6 that.

7 I think there's some other questions about the way
8 the Online Safety Act or Ofcom is set up, and that's
9 about cross-platform harms. The duties are identified
10 in relation to specific platforms, but part of the
11 problem is, of course, hopping platforms, as I think it
12 was Mr Hadley's diagram showed, moving from one to the
13 other. There is no way through the regime at the moment
14 to facilitate coordination and information sharing. And
15 as I have mentioned, Ofcom is quite restricted in what
16 it can share in terms of information it gets in as part
17 of its investigative powers.

18 **SIR ADRIAN FULFORD:** Could that be the subject of
19 a legislative fix?

20 **PROFESSOR WOODS:** Certainly Section 393 of the
21 Communications Act, which is the one that deals with
22 Ofcom's powers to share information, could be tidied up
23 and made more helpful.

24 **SIR ADRIAN FULFORD:** That's very helpful.
25 Mr Hadley?

201

1 RIPA was very much designed before the internet and
2 I know Government works very hard to ensure that they
3 are obeying the law but there is a sense in which
4 Government officials I have engaged with are overly
5 concerned about RIPA and actually trying and avoid
6 a RIPA process instead of engaging with that as I think
7 it was intended.

8 So in my experience, Government officials, police
9 and others, have been reluctant to engage with the
10 internet because they are concerned about surveillance
11 and so on in ways in which I think the public would be
12 horrified. I think the public would be horrified of the
13 extent to which Government is reluctant to engage with
14 the internet.

15 Common sense would suggest that we are able to
16 search for someone or look up their profile but I think
17 the police and others are really constrained. I'm not
18 a lawyer so I can't comment on the extent to which that
19 is justified but I do feel a lot of it is based on fear
20 rather than reason.

21 Another part of this is that open source, the
22 internet, anyone can do and as a result no one does
23 particularly well. So the tendency in my experience is
24 Government departments have their own isolated
25 open-source intelligence capabilities, and their own

203

1 **MR HADLEY:** So, commenting on the second question, in terms
2 of could an enthusiastic nation state make a difference?
3 The answer is a resounding yes. But there is a sense of
4 learned helplessness, in my experience, when engaging
5 with the British Government, with regards to the
6 internet. There is a sense in which the internet is too
7 big, it is too complicated, too difficult to engage with
8 in a constructive fashion.

9 But it is possible. And I know that because a small
10 NGO, such as Tech Against Terrorism, it is able to have
11 hundreds of thousands of pieces of content removed by
12 just -- through sheer willpower and perseverance. But
13 there are a number of challenges, I think, that the
14 Government faces in particular.

15 One is the practicality of data access. So it is
16 the case that tech platforms -- and we are talking about
17 the big ones -- make it very difficult to access at
18 scale. So-called APIs and so on have been shut down,
19 very expensive to use. So, accessing the data is
20 actually technologically quite difficult, and that is
21 purposeful in my view. That is deliberate, I would say,
22 from platforms, because obviously without data, without
23 evidence, you can't scrutinise platforms, right? So it
24 is no coincidence in my opinion.

25 The second is the nature of lawful access online.

202

1 platform partnership capabilities as well. So you might
2 have one department with their own open source team,
3 their own platform engagement team, and that's not
4 necessarily coordinated with other departments, and
5 therefore if Government were to work as a whole, focus
6 on OSINT and a platform partnership in a unified
7 fashion, I think it would have enormously more impact.

8 So in short yes, I think an enthusiastic nation
9 state could make a difference. There would need to be
10 significant political pressure, which there isn't.
11 There would need to be evidence, which there isn't
12 because of the failures of open-source intelligence.

13 But certainly when -- in the heyday of ISIS using
14 the internet I think the UK was pretty successful in
15 applying pressure on those platforms. I would also,
16 just wrapping up, argue that the UK is a big market for
17 these major technology companies. In some cases the
18 second or third largest commercial market for some of
19 these businesses.

20 So I would say an enthusiastic Government could
21 remind these platforms that this is a significant market
22 for these companies. The UK does have soft power. It
23 does have influence. It just needs to choose to use it.

24 **SIR ADRIAN FULFORD:** I'm very grateful. Mr Boyle.

25 **MR BOYLE:** I'm going to ask questions on a series of topics,

204

1 first of all indicators of VFIs online, then about tech
2 companies and then the Online Safety Act, options
3 outside the Online Safety Act and then come onto
4 interventions.

5 Can I start please with indicators of VFIs online
6 and direct a question first to Mr Richardson.

7 You have explained that in the majority of Com
8 Network cases there is a lack of depth of knowledge
9 about ideology. So, from the NCA's perspective, what
10 signs is it looking at in online activity that are most
11 relevant, other than ideology? So what signs might be
12 applicable to a VFI that doesn't show an ideology?

13 **MR RICHARDSON:** So a reminder that we are tackling Com
14 Networks and the intelligence and coordination cell
15 which sits at the heart of the law enforcement response
16 focuses on that and we have a set of criteria that we
17 apply when decision-making around the operational
18 response, and essentially there are four aspects.

19 First of all, it is that the group or individuals
20 within that group are operating within an online chat
21 group or a forum, sits online. That they communicate or
22 claim credit for their offending. So I go back to that
23 point we made around the motivation. The focus of the
24 motivation of this is around creating validation, it is
25 about notoriety, credibility and clout and if, as part

205

1 child protection teams in policing.

2 **MR BOYLE:** Thank you. Mr Hadley, could I extend that
3 question for you, particularly when looking at VFIs,
4 maybe not exclusively Com groups.

5 **MR HADLEY:** Of course. So as we have heard today already,
6 the nature of much of this activity is performative. In
7 order to be performative it has to be obvious. So the
8 nature of a gang with a brand I think is a great way of
9 putting it. The vast majority of this content, this
10 activity, it is easy to find, it is deliberately easy to
11 find, it isn't secret, it is open.

12 So keyword searching, looking at logos and all of
13 these approaches can be used to identify this type of
14 activity very easily.

15 So I would say this splits into two parts. One is
16 the discovery and identification of this activity; the
17 other is the attribution. Attribution is really quite
18 difficult to do of course, so knowing where is this
19 activity coming from, which country, who is it, is it
20 a real person, is it a bot? That is a separate
21 challenge.

22 It is certainly possible to do all of this and in
23 fact with Com-related activity probably easier than many
24 other forms of violent extremism online precisely
25 because the branding, the mimetic identity of that

207

1 of the chat, communication, they are taking credit for
2 that offending, is an indicator.

3 Thirdly, that they are using -- I mentioned in my
4 presentation their use of branding, which unfortunately
5 is then sort of transferred into cut signs and fan
6 sites. In very simple terms we can describe these Com
7 groups as a gang with a brand. And it is that kind of
8 branding or unique identifiers that are distinct to
9 a Com Network.

10 Then finally I mentioned the three sort of
11 sub-categories of Com groups, so that involvement in
12 sextortion, involvement in cyber criminality and that
13 involvement in sharing extremist content and encouraging
14 real world violence.

15 What's really important to kind of to note is that
16 although there may well be vulnerable adults that
17 sometimes may be at risk, our focus is always going to
18 be around child protection. So a lot of our
19 decision-making around priorities often will be similar
20 to the ones that we are used to dealing with when it
21 comes to tackling child sexual abuse and our engagement
22 with the police is similar. And as a consequence of
23 that, almost over 50% of all those referrals that go
24 through that criteria will refer to child sexual abuse
25 material and as a consequence are directed to us as

206

1 material is so important to it.

2 **MR BOYLE:** Thank you. I'm going to move on to ask about
3 tech companies and ask this question of you first,
4 please, Mr Hadley.

5 You talked about the importance of strong moderation
6 by platforms but also spoken about the weakness in
7 practice, and platforms of course have greatly reduced
8 their moderation teams in recent years. How do we
9 reverse this decline and influence them to strengthen
10 those capabilities? Is it through regulation?

11 **MR HADLEY:** Head count isn't the only way to measure this
12 and I think quite a few of the platforms, despite
13 generating very large profits, have significantly
14 reduced the head count of the policy teams and the
15 enforcement teams. They have argued in many cases that
16 AI has been able to substitute for this. That may well
17 be the case but we just don't know.

18 What we do know is that it is just as easy now as it
19 was five years ago to find all sorts of content online.
20 So I would argue that instead of focusing on head count
21 we should talk about budget, or we should talk about the
22 efficacy of removal of content.

23 In pretty much all the cases we are engaged with,
24 this is material that would violate that platform's
25 terms of service. So when we report content to

208

platforms, hundreds of thousands of examples last year, we do so primarily on the basis that they are violating their own rules, their own terms of service. The problem is of course there is no way of knowing it. Ofcom, as far as I'm aware, doesn't have the power to look at content.

So I do wonder how Ofcom is able to evaluate the extent to which platforms are upholding their own terms of service unless somebody is able to observe what's happening and what is being removed. We tried to do some of this ourselves. We have something called the compliance monitor, all content we report to platforms, we have built various tools to detect when that content is removed and we share this data with regulators to inform their understanding of the extent to which platforms are upholding their own terms of service.

But in short, platforms in my view are not focused on moderating terrorist content. It is not a political priority for them. And the tragedy is that many of those individuals we work with in platforms do care. They are trying their very best but the budgets their departments have been given have been completely cut. So in many cases perhaps there were ten people focused on one issue and now there's one. There is no transparency about this though.

209

certain categories of partner, smaller platforms for example, and are there any serious offenders that I could ask you to possibly name and explain why?

MR HADLEY: The large platforms are the problem for a number of reasons. They have the greatest scale, of course, and interaction in the broader population. They are also more kind of inscrutable. There is this myth I think perpetuated that it's small platforms that are the problem. Often in our experience they are the most responsive.

So we report terrorist content to more than 120 different platforms, including the very large ones and the large ones are challenging, partly of course because we can't access that material at scale, so we have to -- our analysts have to do it manually. It is very difficult to have so-called programmatic access to them.

As I have said many times, observability and visibility of this content on larger platforms is very difficult indeed. We work hard to mentor platforms of all sizes and we have had great successes, in particular with small platforms, many of which are not making much profit at all. They may be hobby projects by one individual. So the small platforms are often more engaged. However, there is an exception to this, which is when there's a platform that has been created with

211

So I would argue that there needs to be much more political focus on this to start with, and possibly regulatory as well but I would not want to hazard how that regulation would be devised.

MR BOYLE: I will look to Professor Woods in that case.

PROFESSOR WOODS: It is just to say that the rules relating to enforcement of terms of service are just coming into force now with Ofcom consulting on how to implement them, so I presume we are going to get some guidance, some code of conduct from Ofcom, maybe early next year as a guesstimate.

The other point to make is of course that they are supposed already to have systems that are capable of swiftly taking down content that is notified to them. We don't have much transparency about the data, but I am aware that there has been no Ofcom investigation started on that basis. Ofcom's investigations to date have focused on small porn platforms and age verification.

MR BOYLE: Thank you, Mr Richardson do you have any views on that?

MR RICHARDSON: Nothing to add.

MR BOYLE: Thank you. Mr Hadley, can I ask you then as well about your experience of working with tech partners and how that differs across the range of other platforms. Have you found it more difficult to get traction with

210

the express purpose of undermining moderation in another platform.

For example, with YouTube improving its standards, it sort of spawned loads of other video-sharing platforms that were created with the express intent to enable and facilitate material that's pro-violent in some way or another.

The other exception, of course, is terrorist-operated websites and technology that has been created by terrorists. I have already mentioned the hundreds of these websites that are freely available in the UK. I would imagine, give it a few more months we will have terrorists building their own apps, building their own sites, probably using AI to do so.

Hopefully that is a helpful segmentation. I would say platform engagement is really quite important. Clearly Government spends quite a lot of time engaging with platforms and trying to educate them on what's acceptable and trying to encourage them to do so.

So that the relationship building is an important part of this. However, without political pressure, without there being reputational costs associated with non-compliance, or regulatory costs in some way, it is hard to see why platforms will take this more seriously.

MR BOYLE: Thank you. Mr Richardson, do you have any views

212

1 on that?

2 **MR RICHARDSON:** Nothing really in addition to Mr Hadley.
3 I broadly agree with the sentiment.

4 **MR BOYLE:** Thank you. I'm going to move on please to the
5 Online Safety Act, and a question which I want to
6 initially direct to Professor Woods, please.

7 Violent content is currently classed as priority
8 content, but there might be ways to push it up the list
9 if I can put it like that. One would be deeming it to
10 be what is called primary priority content. Another
11 option which has been raised is by making the new
12 offence that's to be introduced of publishing material
13 that glorifies, trivialises or normalises serious
14 violence as a priority offence.

15 Could you explain the advantages and disadvantages
16 of both of those propositions?

17 **PROFESSOR WOODS:** Looking at moving from priority content
18 harmful to children to primary priority content harmful
19 to children, a bit of a mouthful, I think in practical
20 terms, there might not be significant difference.
21 Primary priority content has to be age-gated so that
22 children do not see it using highly effective age
23 verification and that's mandatory, the platforms don't
24 have a choice.

25 With regards to priority content, they have to
213

1 Category 1 platforms to take into account freedom of
2 expression in relation to journalistic content, content
3 of democratic importance and news publisher content.

4 **MR BOYLE:** Sorry to cut across you, but in Phase 1 there was
5 an issue with potential news reporting of a stabbing of
6 a priest.

7 **PROFESSOR WOODS:** Yes. Certainly some people argue that
8 even uncontextualised raw footage should fall within at
9 least one of those categories.

10 I'm not convinced about that. I think certainly
11 journalism and news content requires more in terms of
12 contextualisation and informing and commentary than just
13 exposing the victims of violence to public curiosity,
14 but I know there is a strong argument there and it has
15 not been discussed how platforms are supposed to do
16 this, and I suppose that would be the obvious problem
17 there.

18 In terms of dealing with it through a criminal
19 offence, you would have a broader range of protected
20 persons because obviously content harmful to children
21 protects only children.

22 So you should have the option for effective takedown
23 for user-to-user and some of the other obligations
24 around data governance, information governance that are
25 in the codes.

215

1 mitigate but they have more freedom to choose. But
2 I think in practice, what you are looking at is limiting
3 access to the various types of content using age
4 verification mechanisms.

5 So in a way it is moving from the choice of the
6 platforms of how to do this, which is likely to involve
7 age verification, to saying it has to be age
8 verification.

9 There is a question about how you do that in the
10 large sites. If you are looking at the model of, say,
11 a small porn platform, all the content is primary
12 priority. So, it makes sense, age-gate as you get to
13 the site. But if you are talking about a mixed --
14 a bigger platform with mixed content, how do you
15 distinguish between content that it is okay for children
16 to see and content that it is not?

17 And I haven't seen explanations about how platforms
18 are doing this. There is a question of whether you end
19 up with separate parts of the platform that are adult
20 bits, but you might then get people on the mainstream
21 bits still talking about primary priority content.

22 So I actually think enforcing that in practical
23 terms might be quite hard. For some of the content it
24 is unclear to me how we reconcile the -- such a duty,
25 primary priority content duty, with concerns for
214

1 The problem will be what will be the mental element
2 for that offence? Will you have this problem of it --
3 in-out in-out that we see in some other places and also
4 questions of how services would understand this.
5 I think that's it.

6 **MR BOYLE:** In-out in-out being that the platform might find
7 the intent with some users and not others?

8 **PROFESSOR WOODS:** Yes.

9 **MR BOYLE:** Thank you.

10 Mr Hadley, Mr Richardson, anything to add on that?
11 Thank you very much.

12 Professor Woods, I'm going to just ask you again
13 about the comparison between the UK and Australian
14 regulatory approaches. We again saw some of this in
15 Phase 1 about the video of the stabbing of
16 Bishop Mar Mari. I just wondered whether there is any
17 data available about the impact of both approaches and
18 whether one has been or has proven to have been yet
19 preferable to the other?

20 **PROFESSOR WOODS:** I think there is very little data on the
21 UK's Online Safety Act, just because it is quite new
22 still. The Australian regime, there are annual reports;
23 the most recent, I think, suggests that the eSafety
24 Commissioner has been relying more on informal
25 notification of harmful content to platforms in the hope
216

that they take it down, rather than using her formal powers in the Online Safety Act there.

The numbers of formal orders that have been issued are very low. I can send the numbers through if that's helpful, but we are talking, under each of the categories of content, single figures.

I think there is political pressure there. There is a strong concern about censorship and freedom of expression, and I think the eSafety Commissioner has also been subject to judicial review on the exercise of her powers.

MR BOYLE: Mr Hadley, does Tech against Terrorism have any experience of how things are working in Australia?

MR HADLEY: There is limited data available, but I would say there is one significant difference, and that is the eSafety Commission in Australia. I think it is fair to say it is quite assertive in testing the law and trying to see how far it can go to apply Australian law. So perhaps the fact that the eSafety Commissioner has been subject to judicial reviews and so on in Australia is a good thing, because it shows that the eSafety Commission in Australia is trying, it's pushing in any way it can.

I do worry -- the converse is true with the UK. To what extent is Ofcom prepared to be similarly assertive

217

MR RICHARDSON: So not necessarily on the approach from the eSafety Commissioner and, you know, how they classify material, but what is of interest is slightly more strategic, insofar as the Australians have made public announcements around their law enforcement efforts to tackle Com Networks, which they describe as sadistic online extortion.

We have taken a slightly different approach in the UK, and I refer back to the point I made earlier about trying to prevent to feed into that narrative of credibility and notoriety. If we were to describe the threat and the law enforcement priority in tackling it, there is a risk that we feed that narrative with the groups. However, the Australians have taken a different approach, and they are risking that, but at the same time, (1), reassuring the public that they are tackling the threat and, secondly, putting a message out that they are going to start to disrupt those networks. And so the learning from that approach is something that we are particularly interested in.

MR BOYLE: Thank you.

I'm going to move on to online interventions.

Mr Hadley, I will ask you about the open-source intelligence fusion centre that you have referred to. Where do you see that being housed if it were to be

219

with tech platforms? And when it comes to it, will it be prepared to behave in the way that the eSafety Commission has in Australia? Because we know, of course, that tech platforms have extraordinarily deep pockets, can be quite litigious.

The reason I didn't answer your question about naming platforms is because a few of these platforms have a history of suing NGOs and trying to bankrupt them. In fact, many of the platforms that apparently support freedom of expression are quite happy to sue small NGOs who write reports they don't like. So, for that reason, I'm not going to comment on any particular platforms, but one would hope that governments and nation states would have the confidence to rattle a few legal cages with platforms.

MR BOYLE: So you would not be against Ofcom testing out its powers, which ultimately have never been litigated over, which actually might set the scope of what they can do in the future?

MR HADLEY: I would hope that at some point this is tested. Is that not how English law works?

MR BOYLE: Thank you.

Mr Richardson, any comment on that or indeed any other, sort of, lessons from the approach in Australia from your perspective?

218

a new creation? Would it be an operational capability like police or intelligence? A Government one that would sit in, for example, the Home Office, or an external body?

MR HADLEY: One of the challenges with open-source intelligence is that capability it could sit anywhere, and as a result there is limited concentration of effort.

I always argue given the magnitude of threat posed by the internet, and also opportunity to improve policing and intelligence operations, that it deserves its own new organisation, akin to GCHQ or the security services. The internet is clearly a vital part of society but it is also poses a significant threat in its use by terrorists, a Com Network, by hostile nation states, and there is no consolidated way of doing any of this, and as a result I think the word I would use is there is chaos in Government. It is under-resourced as well. Limited expertise.

Maybe there are other ways of going about this. Maybe there is a way of pulling together different departments and consolidating in another way, but I think given the importance of the internet and understanding it and disrupting the hostile use of the internet by various adversaries, I think it does warrant

220

1 a new organisation that has appropriate budget and,
 2 I suppose, statutory responsibilities.

3 **MR BOYLE:** Thank you.

4 Mr Richardson, from the NCA's perspective, and
 5 perhaps looking a bit wider than Com Networks, do you
 6 have a view on where that might sit? Could it sit for
 7 example with the NCA?

8 **MR RICHARDSON:** I'm not going to comment on wider than Com
 9 Networks, that is my area of expertise, and I refer back
 10 to the answer I gave to the Chair around (a) we have
 11 established a joint intelligence cell which is currently
 12 tackling Com Networks and the requirement for a joint
 13 task force as a method of dealing with those Com
 14 Networks, but that's the limit of my expertise.

15 **MR BOYLE:** Can I put the question a different way. Those
 16 tools that you have talked about that are being used to
 17 address Com networks, do you have a view on whether they
 18 could be used more widely and if so by who?

19 **MR RICHARDSON:** No I don't.

20 **MR BOYLE:** Professor Woods, do you have any views on that
 21 from a regulatory perspective?

22 **PROFESSOR WOODS:** I'm afraid I haven't thought about it, so
 23 no.

24 **MR BOYLE:** Thank you. Mr Hadley, if I could come back to
 25 you, what level of resource do you think that an OSINT

221

1 **MR BOYLE:** What about things like direct messages and closed
 2 groups and so on? Is that a barrier or are there ways
 3 around that?

4 **MR HADLEY:** The majority of material online is freely
 5 available. There is this misconception that there needs
 6 to be various spookery. There really doesn't. Because
 7 quite a few of the threat and actors we talk about
 8 deliberately make this content easily accessible because
 9 they want to get more supporters, they want to spread
 10 their message, recruit, radicalise and mobilise. That
 11 can't be done if it is super secretive.

12 There are obviously examples of secretive use of
 13 these technologies, especially when we are talking about
 14 operational attack planning. It would make sense for
 15 a cell to use a closed encrypted environment. That is
 16 very long -- a distance along the attack planning
 17 journey.

18 So I would say 99% of the content we are talking
 19 about is freely available online and doesn't require
 20 anything else.

21 Having said that, increasingly, especially on
 22 Telegram, which is an encrypted messaging app, what we
 23 are seeing is various Com Network groups, as well as
 24 other forms of violent extremist online, are asking kind
 25 of for password access or a key word, saying: we will

223

1 fusion centre would require and is the technology there
 2 to enable it to work at sufficient speed and scale?

3 **MR HADLEY:** One person in November last year was able to
 4 report 10,000 examples of ISIS content to platforms. So
 5 I don't think it would take many people who are
 6 sufficiently trained and have the right tools. So we
 7 are not talking about hundreds of people; we are talking
 8 about dozens with the right software and data access.

9 Having said that, data access to platforms is quite
 10 difficult, and it is relatively straightforward for us
 11 as an NGO to do this work. I think it would be much
 12 harder for governments to do so. Two reasons for this:
 13 one, platforms in many cases forbid the use of their
 14 APIs by governments for some reason, although that's
 15 presumably just a contractual obligation rather than
 16 anything else; secondly, there are all these concerns
 17 about RIPA that I have already referenced, and I could
 18 not comment on the extent to which those are justified.
 19 I think there is fear -- I would use the word "fear" --
 20 amongst organisations we work with, with regards to
 21 RIPA.

22 In summary I do not think it would require a huge
 23 amount of funding. It wouldn't need a particularly
 24 significant team but it would require legal clarity and
 25 a dedicated team that's focused on this.

222

1 only give you access to this group if you give us this
 2 code or this word and so on.

3 I think governments find that quite hard to get
 4 through because then all of a sudden they are
 5 potentially interacting with a terrorist or interacting
 6 with a member of a Com Network. But it is not needed
 7 for the most part. In most cases our analysts are able
 8 to do keyword searches for content, or they are able to
 9 train, I suppose, an algorithm to send friend requests
 10 to terrorists. It is actually quite simple technology
 11 and pretty easy to do.

12 **MR BOYLE:** Thank you. Flipping perhaps the idea of the
 13 OSINT fusion centre onto platforms. Should platforms be
 14 required to identify concerning behaviour, either at
 15 a pre-crime level or of course at a criminal level, and
 16 report that on to law enforcement authorities or anyone
 17 else?

18 **MR HADLEY:** It should in a moral normative sense or in
 19 a legal sense?

20 **MR BOYLE:** I think both and also is it feasible from your
 21 experience?

22 **MR HADLEY:** Completely feasible. So social media obviously
 23 generates all of its revenue from understanding users'
 24 behaviour, their preferences and that all comes from
 25 content and their online behavioural activity.

224

1 So the whole business model is predicated on
2 understanding exactly who someone is, their state of
3 mind, their socio-economic background; that is the
4 entire business model. This has always been the case
5 and is especially so now with more advanced artificial
6 intelligence available.

7 So I would say I am almost 100% certain that
8 platforms could identify these users if they wanted to.
9 Potentially they are and aren't disclosing it. We saw
10 this recently with the infamous case of Tumbler Ridge
11 and OpenAI where individuals within the company were
12 aware of that behaviour and decided not to disclose
13 that. But of course we don't know because we don't know
14 what data is available in platforms.

15 I would also be curious to understand what the
16 criteria would be for Ofcom to use its powers to demand
17 access to data because I believe, and Professor Woods is
18 the expert on this, but I believe the Online Safety Act
19 does have provision for Ofcom to delegate expert access,
20 and I would be interested to know under what conditions
21 might they use that power and how could that be used to
22 understand what platforms know and what they are capable
23 of doing in terms of identifying that activity.

24 **MR BOYLE:** Can I ask you, Professor Woods, if you have
25 anything to add?

225

1 reassure itself on privacy concerns and on
2 effectiveness. And Ofcom has issued guidance earlier
3 this year on proactive technology but we are still
4 waiting for more information from it on that.

5 **MR BOYLE:** Thank you. Mr Richardson, can I ask, is there
6 anything you would like to add on that?

7 **MR RICHARDSON:** So I mentioned previously the relationships
8 that we built with platforms directly and that's to
9 create a safe environment for children and to encourage
10 them to report child sexual abuse material, criminal
11 content through the National Centre for (unclear) and,
12 more recently, the NCA's designated reporting body.

13 Our view is that if they are genuinely safe for
14 children, then that will go a long way from preventing
15 children finding and engaging with these harmful spaces
16 online.

17 With regard to making that a requirement, well that
18 suggests a legal or a regulatory activity and that's not
19 something that I will be commenting on.

20 **MR BOYLE:** Thank you. This next question is one that has
21 been raised by the families of the victims and the adult
22 victims as well. I am going to ask each of you in turn
23 to answer it please.

24 What is the single highest priority change to the
25 system, whether within the Online Safety Act or

227

1 **PROFESSOR WOODS:** Yes. Ofcom has quite broad-ranging
2 information gathering powers in connection with
3 investigating and coming to a conclusion on possible
4 breaches of duties. So it is in that context that Ofcom
5 can ask for information, it can interview people who
6 work at a regulated entity and it can also require the
7 use of experts and it can get the company to pay for the
8 experts as well.

9 So, my memory of the Act, and I will double check
10 this when I get home, my memory is that Ofcom has quite
11 a degree of flexibility in how it could exercise those
12 powers to gain information.

13 I think I mentioned though in my presentation that
14 Ofcom has been on the receiving end of some judicial
15 review actions and some specifically relate to the
16 exercise of information notice powers, which some of the
17 regulated companies are saying has gone too far.

18 I haven't seen details of the claims, I'm going on
19 press reporting, but, yes, I think there is about three
20 or four.

21 The other thing to note with behavioural analysis is
22 that the Act specifically covers them, it envisages that
23 Ofcom could put the use of that sort of technology,
24 either in a code or as a remedy for a breach, but that
25 then there are conditions before it can do so, it has to

226

1 otherwise, you would like to see which would have the
2 greatest impact on limiting children's exposure to
3 violent content? It is a big question. I will look to
4 you first, Professor.

5 **PROFESSOR WOODS:** I think I have difficulty identifying
6 a single change because the interconnectedness of the
7 functions and features of the platforms themselves, but
8 also the fact that this is not just about the platforms,
9 it is about the behaviours of users.

10 So in a way you are going to need a multi-pronged
11 response. Having said that, I can come up with two
12 suggestions, one of which is perhaps legalistic, which
13 is get rid of "safe harbour" because that would then
14 give space maybe for Ofcom to look at the risk
15 assessments that are coming in and say, "Well we haven't
16 given you the solution but you are the guys with the
17 data. Please come up with a plan to do something a bit
18 better," maybe.

19 I suppose what I hear from a range of researchers
20 looking at a lot of different harms is the role of the
21 recommender tools in mainstreaming this stuff, in
22 pushing it to children who might not otherwise seek it
23 out.

24 So if I'm to pick one, maybe to look at changes
25 there, but I'm well aware from listening to

228

1 Mr Richardson's presentation that it is perhaps not just
2 as simple as fixing the recommender tools.
3 **MR BOYLE:** Mr Hadley?
4 **MR HADLEY:** Understanding the content online has to be of
5 paramount importance and therefore I would recommend
6 significantly increased efforts to proactively discover
7 and triage this material. We come across it all the
8 time by accident even. It is very easy to find
9 proactively.

10 I would say two things. (1) proactive open-source
11 intelligence to be properly funded, not necessarily just
12 done by Government but also funding civil society to do
13 so; and (2) having much clearer ways to triage what is
14 found.

15 I mentioned earlier that if we at Tech Against
16 Terrorism come across material or activities, it not
17 always clear who we should refer this to. It is
18 difficult enough within the UK let alone
19 internationally. And there are many examples of this
20 being successful. So Europol has annual days of action
21 where they will bring together all the law enforcement
22 bodies that constitute Europol, they will focus on one
23 issue and they will then collate 10,000, 20,000 takedown
24 requests and in one go they will send them to
25 a platform. I think that has been shown to be quite

229

1 **MR RICHARDSON:** You are looking for a magic bullet. I think
2 I will refer to my concluding remarks when I delivered
3 my presentation, is that sadly that doesn't exist and
4 I described a whole system response. There is a piece
5 of work that we have done -- we have behavioural
6 scientists in the NCA, and whenever we are conducting
7 whole scale prevent activity we look at the behaviours
8 we are looking to change.

9 When we looked at Com networks specifically, and we
10 try to identify who are the actors? Whose behaviours do
11 we need to change? And as you can imagine we have come
12 up with a long list, and I think if there was a high
13 priority change it would be that shared endeavour to
14 change the behaviours of law enforcement professionals.
15 Happy to start with there. Academics, and there is
16 a piece of work required to cohere lots of academic
17 interest in this and ensuring that round -- asking and
18 researching the right questions.

19 The media. There is some sort of reporting, some
20 helpful, some others and there is something about how we
21 do that. But one of the biggest factors for me has been
22 when we have been engaging those people who are parents
23 themselves, those people who have a caring
24 responsibility, teachers, social workers, they are the
25 ones who by showing a more active interest in the

231

1 successful but it has required someone to coordinate
2 that.

3 In terms of triaging, one example we had last year
4 for a while we had been tracking a Com Network group on
5 Telegram and -- publicly accessible channel -- there was
6 an individual in there who for quite some time had been
7 expressing violent ideation and intent to stab
8 schoolchildren in Italy, and this individual deleted
9 their account and other people in the group expressed
10 concern that he was going to do something. So at that
11 point this is a clear signal of intent to carry out that
12 attack. We collated all the material, we wrote into
13 various reports. It took us I think seven days to get
14 that report to the relevance authorities in Italy. We
15 had to go through I think the British embassy in the end
16 to figure out how to route that to the Italian
17 authorities.

18 I can't say what happened as a result of that. We
19 are often not told. But hopefully what this shows is
20 proactive open-source intelligence does work but it does
21 require coordination and funding, and triaging is a big
22 problem. So even if you found this material, even if
23 you found someone who is clearly going to perpetrate
24 an attack, knowing where to send it is really difficult.

25 **MR BOYLE:** Mr Richardson?

230

1 children they care for's online behaviours, being given
2 the skills to be able to do that, to have the ability to
3 have those non-judgemental conversations with their
4 children I think will tease out and hopefully kind of
5 help identify some harmful behaviours before they start.

6 But also we would love to change the behaviour of
7 children themselves. We know that children are on the
8 internet a lot. We know that trying to divert them away
9 from that is unlikely and recognise they do live their
10 lives online, but it is how can we then create that
11 environment in a safe place and as a consequence there's
12 a real importance for industry to do that to make it
13 a genuinely safe environment for children. So, sadly
14 not one single bullet.

15 This may well be slightly facetious, but the other
16 consideration I had, if we look at what's happened with
17 the Post Office Horizon scandal, if we look at issues
18 that have been recently raised around the relationship
19 between the environment agency and water -- the water
20 companies, there may be something in around how do we
21 kind of raise public awareness of this and there is
22 something around, I don't know, entertainment, there's
23 some educational kind of -- it may well be a TV
24 programme but something that kind of brings it to the
25 public's attention and I think that we have seen some

232

1 examples of that where that's been successful, but that
2 may well be slightly facetious.

3 **MR BOYLE:** Actually, I think it takes me on to my last
4 topic, which is offline interventions. And also,
5 Mr Richardson, if I could ask you this question, which
6 picks up on some of Mr Hadley's answer.

7 How do we -- and it is a question from the Youth
8 Justice Board -- how do we prevent the removal of
9 content or an account from simply concealing or
10 relocating the risk? So how can an online disruption be
11 linked to an off-line safeguarding and support plan?

12 **MR RICHARDSON:** Yeah, I think that we would have to accept
13 that that's currently a gap. We don't have experience
14 from an NCA of removing content, particularly at scale.
15 What we do know, though, is that when we conduct
16 criminal investigations, we work closely with the police
17 and safeguarding partnerships in developing strategies
18 to safeguard them, but with regards to that wide-scale
19 removal of content and then wrapping safeguarding around
20 it, is something that we recognise as a gap.

21 **MR BOYLE:** Thank you.

22 Mr Hadley, was there anything else you wanted to say
23 or was that wrapped up in your last answer when you
24 talked about the Italian authorities?

25 **MR HADLEY:** Well, yes, if I may add one point on this
233

1 tragically, likely that individuals will follow through
2 with this action, because no one knows what to do about
3 it.

4 **MR BOYLE:** Professor Woods, I'm just going to check that you
5 are not aware of any legal levers that are available not
6 being used to, sort of, help with this?

7 **PROFESSOR WOODS:** I'm just thinking. Certainly some of
8 the -- if content is constituting either the crime of
9 encouraging suicide -- I've not got the label quite
10 right -- or serious self-harm, in theory, the Act is
11 triggered, but that doesn't actually help the individual
12 who is posting the content.

13 And I know that in discussions around some of the
14 suicide forums and suicide content on general platforms,
15 there has been a concern that if you -- if -- while some
16 people are selling poisons and you want to stop them
17 doing that, for other people it is a form of catharsis
18 or they are getting support, so actually it is a complex
19 question and I'm not sure there is clear advice for
20 anybody as to how to deal with it.

21 **MR BOYLE:** Thank you.

22 I'm just going to ask one final question and I'm
23 going to direct it to Mr Richardson.

24 We heard this morning about the NCA's Cyber Prevent
25 programme, which I think, as I understand it, is more
235

1 online/offline coordination. I would agree with
2 Mr Richardson that there is currently a gap. It is
3 an operational gap that we face fairly regularly.
4 An example would be having found an individual who was
5 expressing intent to self-harm and suicide on Tumblr, we
6 just didn't know what to do about this.

7 We discussed it with Tumblr, we forwarded it to the
8 police. They didn't know what to do either. In the end
9 Tumblr just removed the content. And I'm not sure
10 whether that would have helped or not.

11 But that there's -- not that I'm aware of, I'm not
12 sure there is much guidance for platforms or even for
13 law enforcement and Government agencies about what to do
14 in these cases, what's the protocol to follow.

15 I also think there is a distinction between the
16 removal of so-called residual versus specific content.
17 So I think it is fair to say that the volume of
18 material, violent material, online almost certainly is
19 contributing to the radicalisation and mobilisation of
20 individuals. The availability of that content is
21 a problem and should be removed. But when we are
22 talking about specific examples of individuals
23 expressing intent to harm themselves or others, I'm not
24 sure what the guidance should be there. At the moment
25 there isn't any and, as a result, it is unfortunately,
234

1 focused at the risk of hackers, to put it simply. Has
2 RHYOBASALT -- the RHYOBASALT Com prevention plan
3 considered a similarly diversionary-type programme for
4 Com members, and what would that programme look like?

5 **MR RICHARDSON:** The simple answer is no. Where our thinking
6 is at present is -- I go back to the comments about
7 behaviour change. So, working -- you have heard from
8 Professor Smith last week, and NABS+, we are working
9 with that organisation (a) to identify the criminal
10 pathways but also the victim vulnerabilities, to
11 identify how that works, and then we would be looking to
12 apply a behaviour-change approach, rather than -- now
13 that may well include a diversionary programme, but we
14 will remain neutral until we hear what that research
15 tells us.

16 **MR BOYLE:** Thank you very much.

17 **SIR ADRIAN FULFORD:** Thank you very much, Mr Boyle.

18 I have, really, three different groups of thanks to
19 give. First, to the three of you. This has been
20 an extraordinarily valuable afternoon. You have
21 provided us with exceptional assistance and I'm very
22 grateful for the time and trouble that you have gone to,
23 both in presenting -- preparing the materials beforehand
24 and then presenting your various positions this
25 afternoon.
236

1 I want to repeat my thanks to the previous
 2 participants in the seminars across the board. This has
 3 been a very valuable week. But I want particularly as
 4 well to highlight the work that has gone into preparing
 5 these seminars on the part of the Inquiry team. We
 6 handed down a report in Phase 1 in April, and it has
 7 been a monumental piece of work to organise this complex
 8 schedule of seminars, getting the materials delivered
 9 beforehand, which has been a task for all of you,
 10 securing speakers who are able to come, organising the
 11 dates, and then making sure that it all happens.

12 So I want to thank both Counsel to the Inquiry for
 13 the work that they have done, but also the rest of the
 14 Inquiry team that have been involved in this.

15 Mr Boyle, can you then reveal when we next meet.

16 **MR BOYLE:** Sir, yes. We resume at 10.00 am on 5 October for
 17 our hearings which will begin with oral openings from
 18 Core Participants.

19 **SIR ADRIAN FULFORD:** Thank you all very much, I will rise.
 20 **(5.33 pm)**
 21 **(The Inquiry adjourned until 10.00 am on Monday,**
 22 **5 October 2026)**
 23
 24
 25

237

1	I N D E X	
2		
3	Introductions	1
4	Presentation by MS MUZAFFER	37
5	Presentation by NCA OFFICER	63
6	Plenary Session	84
7	Introductions	123
8	Presentation by MR RICHARDSON	126
9	Presentation by PROFESSOR LORNA WOODS	152
10	Presentation by MR HADLEY	173
11	Plenary Session	195
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

238

MR BOYLE: [40] 123/22 152/14 152/23 173/2 173/9 194/22 195/7 204/25 207/2 208/2 210/5 210/19 210/22 212/25 213/4 215/4 216/6 216/9 217/12 218/16 218/22 219/21 221/3 221/15 221/20 221/24 223/1 224/12 224/20 225/24 227/5 227/20 229/3 230/25 233/3 233/21 235/4 235/21 236/16 237/16 MR HADLEY: [14] 173/11 202/1 207/5 208/11 211/4 217/14 218/20 220/5 222/3 223/4 224/18 224/22 229/4 233/25 MR JAMIESON: [59] 1/6 36/21 37/4 62/18 62/25 83/18 84/2 91/7 93/20 94/22 95/6 95/13 95/17 96/4 96/10 96/20 97/19 98/19 100/7 100/14 100/24 101/6 102/4 102/25 103/10 104/2 104/14 105/14 105/16 106/7 107/11 107/14 107/23 108/21 109/15 110/3 111/9 111/17 111/23 112/11 112/14 114/7 114/10 115/1 115/17 117/12 118/5 118/7 118/12 119/15 120/10 121/2 121/15 121/22 122/7 122/18 122/22 123/3 123/6 MR RICHARDSON: [19] 126/6 195/20 196/5 196/11 197/10 197/19 198/7 199/9 199/15 205/13 210/21 213/2 219/1 221/8 221/19 227/7 231/1 233/12 236/5 MS DE FREITAS: [24] 4/14 26/20 89/4 90/14 91/4 96/23 99/18 100/12 100/15 101/5 105/1 105/15 105/20 107/15 110/14 111/16 116/5 118/1 118/6 118/9 119/14 119/16 120/18 121/6 MS LANGLEY: [4] 12/16 97/20 101/16 106/21 MS MUZAFFER: [16] 37/7 86/6 86/12 87/11 87/23 88/2	92/12 94/10 102/23 103/6 103/19 113/20 114/9 114/15 115/9 122/25 NCA OFFICER: [20] 63/3 67/11 67/13 95/3 95/7 95/16 95/20 96/8 96/19 104/4 108/10 109/10 109/17 111/22 111/24 112/13 121/21 121/23 122/9 122/21 PROFESSOR WOODS: [12] 153/1 200/22 201/20 210/6 213/17 215/7 216/8 216/20 221/22 226/1 228/5 235/7 SIR ADRIAN FULFORD: [46] 1/4 36/24 37/3 62/17 62/20 62/24 67/10 67/12 83/22 84/5 86/11 87/2 87/20 87/24 88/3 89/23 90/20 91/5 107/12 123/5 123/9 123/20 126/4 152/12 152/18 152/22 173/1 173/4 173/8 194/21 194/25 195/6 195/10 196/3 196/6 197/8 197/12 198/5 198/8 199/14 200/19 201/18 201/24 204/24 236/17 237/19 ' '25 [1] 83/4 '25/'26 [1] 83/4 '26 [1] 83/4 0 0.58 [1] 71/5 1 1's [1] 48/4 1,000 [1] 179/5 1.02 pm [1] 123/16 10 [1] 65/21 10 minutes [2] 36/23 173/3 10,000 [3] 186/1 222/4 229/23 10-minute [1] 152/17 10.00 [4] 36/23 37/2 237/16 237/21 10.41 [1] 62/21 10.56 [1] 62/23 100 [2] 168/19 225/7 100,000 [1] 186/1 102 [2] 170/2 170/15 11 [1] 65/23 11 years [1] 3/15 11.31 [1] 83/23 12 [1] 140/2 12 October [1] 150/16	12.00 pm [1] 83/25 120 [1] 211/11 127.1 [1] 162/19 13 [1] 71/11 13.83 [1] 71/3 135 [1] 162/14 14 months [1] 141/5 15 minutes [1] 62/19 15 years [1] 48/13 15.08 [1] 70/22 17 September 2026 [1] 1/1 18 [7] 52/15 95/9 101/6 101/6 101/7 101/19 156/24 18's [1] 95/7 18-year-old [1] 101/10 18s [6] 73/23 74/2 76/17 101/15 112/10 163/9 2 2 o'clock [1] 123/7 2.00 pm [1] 123/18 2.40 pm [1] 152/19 2.50 pm [2] 152/17 152/21 20 different [1] 3/24 20,000 [1] 229/23 2000 [1] 48/6 2006 [2] 47/22 169/13 2010 [1] 172/5 2015 [1] 125/9 2017 [1] 70/6 2019 [1] 3/22 2020 [2] 3/6 139/17 2023 [2] 2/6 172/5 2024 [2] 2/24 45/22 2025 [4] 2/6 48/16 127/16 197/17 2026 [3] 1/1 56/19 237/22 24/7 [1] 175/12 250 [1] 17/16 28 months [1] 141/5 29.3 [1] 70/25 3 3's [1] 60/23 3.30 pm [1] 173/5 3.40 pm [2] 173/3 173/7 32.9 [1] 70/20 35 [1] 70/25 37 [1] 55/17 393 [2] 161/9 201/20 4 4.10 pm [1] 195/2 4.25 pm [2] 194/24 195/1 4.27 pm [1] 195/4 45 minutes [1] 126/9 48 hour [2] 171/9	171/15 48 hours [5] 168/25 169/8 169/14 169/15 169/16 4P [1] 199/17 5 5 October [1] 237/16 5 October 2026 [1] 237/22 5.33 pm [1] 237/20 50 [2] 71/10 206/23 57.1 [1] 71/9 58 [9] 48/6 49/15 49/16 49/21 49/25 50/20 50/21 50/24 61/2 6 6A [1] 1/7 6B [2] 123/8 123/22 7 7 years [1] 83/4 764 [3] 138/15 138/17 139/6 764 group [1] 138/13 764 network [1] 140/5 764-related [1] 186/13 8 8 years [1] 83/4 80 years [1] 139/17 9 9.00 [1] 1/2 9.51 [1] 36/25 99 [1] 223/18 A abilities [1] 103/2 ability [12] 29/7 70/16 72/21 95/22 97/25 100/21 118/10 130/13 131/2 132/5 196/13 232/2 able [50] 46/8 59/13 75/17 89/4 92/7 96/10 106/2 114/23 130/13 130/14 130/19 131/3 131/23 132/5 132/13 132/17 132/24 133/6 133/7 137/17 137/17 142/8 142/20 142/23 143/20 144/3 144/6 144/9 145/6 145/7 145/13 146/10 149/25 152/10 155/4 168/24 186/11 195/18 196/18 200/16 202/10 203/15 208/16 209/7 209/9 222/3 224/7 224/8 232/2 237/10 about [190] 9/15	14/17 16/11 19/12 21/25 26/19 29/23 31/6 79/13 80/4 84/11 85/6 90/4 92/5 92/14 93/2 94/6 94/23 95/14 96/15 97/1 97/5 97/9 97/21 98/9 98/12 98/18 99/8 99/10 99/12 100/14 100/18 101/11 102/6 103/11 104/17 104/19 104/20 105/7 106/3 106/4 106/8 106/9 106/22 107/12 107/18 107/25 108/6 108/7 109/2 110/5 110/23 112/12 112/17 116/4 116/10 116/18 116/21 116/22 117/9 118/10 118/25 119/16 119/20 120/6 120/21 121/3 121/4 121/10 125/15 126/11 127/8 127/8 127/9 127/10 127/16 128/25 129/17 130/1 133/12 134/10 135/8 135/9 135/17 137/15 137/16 139/18 142/11 147/14 147/23 148/19 150/17 153/4 153/5 153/15 154/3 154/18 156/3 157/1 157/16 157/21 157/25 158/1 158/10 158/21 158/24 159/11 160/7 160/22 161/8 163/13 165/7 165/9 165/22 168/6 168/20 172/7 172/21 173/18 175/7 177/19 177/20 178/20 178/21 181/14 183/13 185/8 185/20 187/11 187/24 188/4 188/10 188/15 189/14 190/8 193/17 194/15 194/16 196/13 199/1 199/1 201/7 201/9 202/16 203/5 203/10 205/1 205/9 205/25 208/2 208/5 208/6 208/21 208/21 209/25 210/15 210/23 214/9 214/13 214/17 214/21 215/10 216/13 216/15 216/17 217/8 218/6 219/10 219/23 220/20 221/16 221/22 222/7 222/8 222/17 223/1 223/7 223/13 223/19 226/19 228/8 228/9 231/20 233/24 234/6 234/13 234/22 235/2 235/24 236/6 above [2] 5/3 46/4 abroad [1] 125/5 absence [7] 26/9 32/22 35/22 48/1

A	accumulated [1] 32/9	77/5 178/6 185/18 185/18 229/16	66/8 77/1 80/12 81/15 81/17 82/23 112/9 116/15 173/22 174/5 184/22 221/17	88/21
absence... [3] 48/12 49/10 85/18	accuracy [2] 165/13 165/19	activity [54] 6/6 13/23 22/19 23/2 23/8 25/5 26/4 50/7 61/16 65/15 68/8 69/9 69/18 72/3 72/7 72/11 73/5 73/10 73/12 77/2 77/3 77/13 79/8 80/9 81/24 125/14 125/16 131/24 145/12 174/12 176/5 176/7 184/6 185/9 185/16 186/24 187/12 189/4 189/12 189/18 191/3 191/18 191/20 205/10 207/6 207/10 207/14 207/16 207/19 207/23 224/25 225/23 227/18 231/7	addressed [4] 16/12 19/24 91/19 163/22	affected [1] 149/1
absolutely [5] 86/11 121/7 152/18 184/3 199/14	accurate [1] 40/11	achieve [1] 120/5	addresses [2] 12/4 23/21	afraid [1] 221/22
abuse [26] 32/12 34/4 40/24 73/25 98/4 124/6 128/12 128/14 128/15 129/5 129/6 130/7 130/8 132/11 136/13 136/16 137/1 145/10 149/5 150/9 158/9 168/7 188/20 206/21 206/24 227/10	achieved [2] 72/12 72/16	achieving [2] 70/9 78/12	addressing [8] 1/19 12/11 20/12 25/16 40/1 51/20 70/12 172/15	after [4] 17/4 39/15 159/22 165/3
abuses [1] 168/3	across [39] 2/12 2/18 8/22 12/19 13/7 14/14 27/19 30/3 30/25 33/2 33/12 34/2 36/10 69/10 78/12 78/18 80/25 82/19 91/17 124/10 140/17 144/7 145/1 154/15 165/21 167/4 167/24 176/3 176/18 180/12 189/24 191/3 191/22 200/14 210/24 215/4 229/7 229/16 237/2	actor [1] 183/13	adds [2] 101/14 168/21	afternoon [7] 123/22 124/2 126/6 153/1 173/11 236/20 236/25
academia [1] 124/11	act [76] 29/8 42/1 47/18 47/22 48/6 48/9 48/11 49/5 49/7 49/8 49/16 49/21 49/25 50/3 50/20 55/18 56/19 57/18 60/10 60/11 85/17 112/25 153/3 153/7 153/12 153/18 153/20 154/7 154/15 154/23 155/8 156/7 156/18 158/2 158/24 159/12 159/16 160/13 160/25 161/10 161/17 161/22 162/12 162/15 163/24 166/1 166/19 168/6 168/20 168/21 169/5 169/13 169/14 170/2 170/24 172/6 172/10 177/15 177/15 184/21 189/2 189/17 189/23 195/23 201/8 201/21 205/2 205/3 213/5 216/21 217/2 225/18 226/9 226/22 227/25 235/10	actors [4] 161/9 174/18 223/7 231/10	adequacy [1] 87/6	again [41] 10/13 45/1 49/9 61/2 62/14 68/10 87/11 93/2 94/19 103/19 104/8 110/5 111/17 111/24 112/3 121/8 121/8 121/9 122/25 127/12 128/17 130/18 131/2 131/21 132/4 132/22 133/16 136/24 137/10 139/7 140/8 141/14 141/21 148/20 167/6 169/3 171/9 194/25 198/22 216/12 216/14
academic [2] 151/9 231/16	act's [1] 154/4	acts [9] 44/6 47/16 47/23 48/1 48/3 49/11 49/12 60/1 138/25	adequate [1] 45/6	against [33] 38/20 47/10 51/11 54/3 61/15 64/10 73/5 125/8 125/9 125/12 125/13 125/20 132/12 132/12 166/2 166/14 173/12 173/14 173/20 174/10 174/25 177/10 177/14 179/15 180/3 180/3 184/25 190/9 200/2 202/10 217/12 218/16 229/15
academics [2] 126/21 231/15	acted [2] 33/4 41/24	actually [46] 33/14 86/18 92/19 92/25 98/9 98/13 98/16 99/7 100/3 101/21 101/23 102/1 107/21 118/10 119/4 119/21 120/3 120/19 134/11 134/19 135/21 136/17 148/17 157/17 165/24 169/9 171/16 176/6 179/20 185/3 185/5 186/5 186/12 187/10 192/23 194/6 198/18 199/4 202/20 203/5 214/22 218/18 224/10 233/3 235/11 235/18	administration [1] 99/2	age [14] 39/6 52/15 53/21 140/2 147/12 155/7 163/10 210/18 213/21 213/22 214/3 214/7 214/7 214/12
accent [2] 134/11 134/12	acting [1] 195/21	Adam [2] 125/7 173/11	admirator [2] 139/23 195/22	age-gate [1] 214/12
accept [2] 55/4 233/12	action [12] 31/12 31/22 33/21 36/16 41/8 78/12 78/18 82/2 166/2 198/19 229/20 235/2	adact [1] 35/1	admiration [1] 191/9	age-gated [1] 213/21
acceptable [2] 137/14 212/19	actionable [1] 179/16	add [11] 99/16 104/3 107/15 121/6 121/20 171/3 210/21 216/10 225/25 227/6 233/25	admissions [1] 46/16	agencies [39] 7/16 13/10 14/15 15/3 17/6 23/20 27/10 27/19 28/22 30/13 31/1 32/23 33/12 34/3 34/24 37/21 38/3 38/4 43/5 43/18 58/4 58/20 61/15 61/25 66/6 66/11 70/8 72/25 78/19 79/3 79/22 97/3 104/13 114/19 118/19 119/2 119/12 119/23 234/13
access [41] 11/2 13/22 20/11 24/11 26/10 30/13 34/8 36/4 66/7 75/4 75/5 75/8 75/9 77/10 85/8 86/3 86/22 95/10 95/19 96/11 96/16 97/25 109/13 110/24 147/14 155/4 177/23 180/23 200/16 202/15 202/17 202/25 211/14 211/16 214/3 222/8 222/9 223/25 224/1 225/17 225/19	acted [2] 33/4 41/24	added [2] 162/13 195/24	admitted [1] 18/9	agency [75] 4/4 7/14 8/1 9/13 10/11 14/5 18/7 19/16 25/23 26/13 26/23 27/3 27/7 27/7 28/8 28/16 30/6 34/21 35/24 35/25 39/13 59/8 63/4 63/6 76/5 78/15 78/16 79/18 80/1 81/3 82/9 83/12 91/13 92/18 98/21 99/10 99/16 99/19 100/1 100/5
accessed [2] 89/21 154/18	acting [1] 195/21	addictive [1] 163/13	adolescent [2] 147/13 150/23	
accessible [3] 154/17 223/8 230/5	action [12] 31/12 31/22 33/21 36/16 41/8 78/12 78/18 82/2 166/2 198/19 229/20 235/2	adding [2] 94/18 181/19	adolescents [2] 115/25 138/1	
accessing [2] 31/5 202/19	active [6] 18/6 22/3 28/17 39/8 142/20 231/25	addition [3] 77/2 81/18 213/2	adopted [1] 110/8	
accident [1] 229/8	actively [3] 16/12 96/11 197/1	additional [8] 30/5 70/2 87/25 100/3 155/18 155/21 158/25 195/12	ads [2] 77/17 171/25	
accompanied [2] 2/13 22/23	activities [6] 11/4	address [27] 4/17 14/17 17/22 18/12 20/17 20/24 21/3 21/5 23/7 24/4 24/18 35/14 42/22 51/15 62/14	adult [6] 56/18 70/24 102/3 136/14 214/19 227/21	
accordance [2] 38/13 45/2			adulthood [1] 101/22	
according [6] 6/2 8/16 78/23 180/13 188/21 188/25			adults [6] 70/25 137/23 155/4 156/23 166/14 206/16	
account [10] 55/17 92/9 154/9 160/4 164/12 164/20 176/21 215/1 230/9 233/9			advance [2] 101/24 191/15	
accountability [2] 80/15 122/2			advanced [1] 225/5	
accountable [1] 37/24			advancing [1] 41/9	
accounts [3] 156/13 185/1 186/9			advantages [2] 197/4 213/15	
			adversaries [1] 220/25	
			adverse [1] 106/16	
			advertising [2] 163/3 164/23	
			advert [1] 171/19	
			advice [11] 17/1 43/23 43/23 52/9 59/4 59/12 61/10 137/8 148/5 175/16 235/19	
			advise [3] 17/12 103/19 103/20	
			advisers [1] 103/18	
			advises [2] 19/25 44/1	
			advising [2] 3/19 38/4	
			advocate [1] 115/21	
			advocates [2] 72/6	

A agency... [35] 100/7 100/23 101/17 101/23 107/24 108/15 109/1 109/8 109/16 109/23 111/5 111/12 115/18 115/23 115/25 117/16 117/24 119/5 119/22 121/19 121/21 122/3 122/5 122/8 122/11 122/17 122/18 124/6 126/8 128/15 143/19 148/13 150/25 200/15 232/19 agenda [1] 63/5 aggravating [1] 41/16 aggregate [1] 191/16 ago [4] 174/1 177/14 185/14 208/19 agree [6] 117/6 152/18 182/19 201/5 213/3 234/1 agreed [8] 18/20 21/1 23/14 24/23 28/6 28/25 34/22 58/6 agreement [2] 21/13 24/25 agrees [1] 188/5 ahead [4] 62/19 96/7 101/24 152/15 AI [17] 125/23 154/3 174/21 174/22 178/20 178/21 178/25 179/1 179/8 179/10 179/10 181/2 181/3 192/8 196/23 208/16 212/14 aim [11] 6/5 11/6 18/11 55/18 57/7 73/11 91/15 96/6 174/12 174/19 175/4 aimed [4] 1/21 56/6 56/14 91/11 aims [2] 12/5 125/13 akin [1] 220/12 al [6] 46/21 48/7 174/8 177/7 180/11 185/25 Al Qaeda [1] 185/25 Al Shabaab [1] 174/8 al-Islamia [1] 180/11 Al-Qaeda [3] 46/21 48/7 177/7 alarmist [1] 141/12 albeit [3] 56/7 56/17 59/10 alert [6] 148/11 149/14 150/3 175/19 197/15 198/5 alerting [1] 175/9 alerts [1] 175/10 algorithm [2] 185/5 224/9 algorithmic [4] 184/8 184/17 184/23 184/24	algorithms [4] 134/14 160/5 161/25 184/14 aligns [1] 121/25 all [84] 1/6 4/14 8/25 12/8 14/11 52/23 67/13 70/22 71/1 71/2 71/6 75/11 80/21 85/12 90/4 91/5 91/17 91/18 97/2 100/22 101/3 102/16 120/24 121/12 122/15 131/25 134/12 135/4 138/14 141/11 142/10 148/9 154/8 163/11 163/11 165/10 169/19 172/18 175/16 178/7 178/10 178/19 178/22 182/9 182/19 183/14 183/14 184/2 184/10 185/12 185/17 185/18 186/15 187/8 187/10 187/21 189/5 192/2 196/3 198/8 198/11 199/2 199/7 205/1 205/19 206/23 207/12 207/22 208/19 208/23 209/12 211/20 211/22 214/11 222/16 224/4 224/23 224/24 229/7 229/21 230/12 237/9 237/11 237/19 alleged [3] 41/4 59/14 92/20 allegedly [2] 180/11 180/14 allocated [1] 40/2 allow [8] 32/5 37/15 95/9 145/7 156/12 156/13 156/13 171/15 allowed [1] 143/7 allows [5] 59/6 144/3 145/2 145/4 170/3 alluded [1] 4/14 Almique [1] 59/19 almost [9] 137/15 158/21 167/18 177/17 180/4 185/3 206/23 225/7 234/18 alone [4] 24/8 34/1 47/14 229/18 along [6] 46/22 90/7 91/2 121/5 156/4 223/16 alongside [5] 6/3 23/22 24/5 25/19 116/10 already [23] 61/6 63/9 64/13 64/16 80/3 98/15 100/20 110/2 113/13 114/21 116/21 122/4 133/9 134/5 134/16 161/1 166/3 179/23 181/6 207/5 210/13 212/10 222/17 also [117] 2/25 5/12	5/22 8/14 9/2 10/7 10/16 13/1 17/11 24/21 27/13 27/24 31/4 32/18 34/9 39/11 40/2 41/11 43/24 49/19 49/24 53/4 54/19 55/17 57/16 58/7 60/3 67/3 67/22 69/23 70/1 72/16 76/4 79/10 82/17 89/10 92/8 97/16 98/1 99/3 100/1 100/15 106/17 107/15 107/23 108/4 111/18 113/11 116/11 118/1 120/7 120/14 125/5 125/7 125/22 126/21 128/20 129/8 129/15 136/23 140/22 141/22 142/25 146/8 146/21 146/22 148/11 150/1 155/2 155/13 158/5 160/25 162/5 164/8 164/12 164/19 165/9 165/13 165/16 165/22 166/11 167/19 169/1 169/25 171/3 171/6 174/16 175/11 176/25 177/1 179/17 180/8 180/15 180/18 181/25 183/20 185/20 192/21 196/17 196/19 204/15 208/6 211/7 216/3 217/10 220/10 220/14 224/20 225/15 226/6 228/8 229/12 232/6 233/4 234/15 236/10 237/13 alter [1] 44/24 alternative [6] 13/5 23/3 77/2 77/5 77/21 114/23 alternatively [1] 110/10 alternatives [1] 18/8 although [18] 5/15 12/8 23/24 40/14 40/19 59/7 87/8 90/1 98/8 113/1 129/11 136/4 146/21 151/1 166/13 197/25 206/16 222/14 always [17] 30/19 31/8 31/11 33/1 34/8 46/8 105/2 105/22 107/17 120/20 163/3 164/14 191/15 206/17 220/9 225/4 229/17 am [21] 1/2 36/23 36/25 37/2 62/21 62/23 67/14 83/23 84/23 116/3 128/24 133/8 168/5 176/13 190/5 198/17 210/15 225/7 227/22 237/16 237/21 Amazon [1] 46/25	ambit [7] 50/7 62/1 87/12 87/17 87/18 103/9 103/10 amends [1] 168/19 American [2] 134/12 134/13 Americans [1] 169/14 among [3] 56/14 128/10 128/23 amongst [9] 71/12 126/19 133/21 140/9 142/16 143/17 145/12 148/23 222/20 amorphous [1] 181/15 amount [12] 66/5 84/16 134/8 177/12 177/18 179/21 182/22 185/22 187/15 189/18 190/4 222/23 amplification [3] 184/9 184/17 184/23 amplified [1] 186/25 amplifying [1] 180/19 analyse [3] 15/1 182/12 191/16 analyses [1] 196/24 analysing [1] 193/25 analysis [8] 14/5 46/20 48/21 59/12 71/20 158/6 165/10 226/21 analyst [1] 187/5 analysts [3] 178/2 211/15 224/7 analytics [2] 125/23 175/25 Andrew [1] 164/22 anger [1] 135/6 animal [3] 129/8 153/16 162/21 animals [2] 60/2 132/13 announced [1] 51/12 announcements [1] 219/5 annual [2] 216/22 229/20 anonymised [1] 39/23 anonymity [1] 156/12 another [23] 27/13 33/5 34/17 42/1 73/10 82/5 82/9 110/25 111/3 131/10 137/8 138/12 140/19 141/3 141/12 142/1 158/21 167/22 203/21 212/1 212/7 213/10 220/22 answer [16] 56/5 86/18 89/4 91/1 111/9 120/25 199/9 199/10 200/6 202/3 218/6 221/10 227/23 233/6 233/23 236/5	answered [1] 64/3 answering [1] 43/2 answers [2] 87/17 117/14 Anthropic [2] 48/15 179/7 anti [6] 10/3 10/13 11/20 57/16 73/25 74/5 anti-social [6] 10/3 10/13 11/20 57/16 73/25 74/5 antisemitic [1] 180/12 any [72] 4/20 17/9 17/10 19/4 30/5 32/14 39/9 39/17 39/25 43/10 43/19 45/24 47/3 47/14 48/2 48/3 49/12 49/23 50/12 50/12 52/12 57/11 57/19 58/22 61/16 62/16 64/2 83/17 84/4 84/17 86/9 86/13 87/1 88/16 89/6 94/20 100/5 111/20 117/15 118/22 119/5 119/22 119/23 122/1 122/24 123/4 128/7 128/8 128/15 128/19 128/19 131/23 160/19 172/12 182/1 187/11 189/13 195/9 195/18 210/19 211/2 212/25 216/16 217/12 217/22 218/12 218/23 218/23 220/16 221/20 234/25 235/5 anybody [3] 118/23 148/15 235/20 anyone [4] 85/7 156/4 203/22 224/16 anything [14] 90/4 95/25 100/25 104/3 105/5 121/20 127/13 153/23 216/10 222/16 223/20 225/25 227/6 233/22 anyway [3] 155/11 163/12 164/5 anywhere [1] 220/6 apart [1] 171/15 APIs [2] 202/18 222/14 apologies [1] 120/10 app [1] 223/22 apparent [3] 60/12 64/19 158/23 apparently [2] 180/13 218/9 appear [1] 87/11 appeared [1] 60/7 applicability [2] 40/15 76/25 applicable [5] 23/16 73/22 76/17 76/18 205/12
--	--	---	---	---

A	architecture [1] 161/24 archival [1] 183/23 archive [2] 182/17 183/25 are [532] area [14] 66/14 96/2 96/14 117/11 121/3 121/8 122/12 124/4 128/24 146/4 151/10 172/4 172/8 221/9 areas [11] 63/12 67/5 67/23 76/7 81/6 82/20 102/20 160/24 172/16 173/12 189/24 aren't [7] 11/16 32/18 103/18 107/20 113/12 157/23 225/9 argue [10] 191/25 193/5 193/23 194/8 194/15 204/16 208/20 210/1 215/7 220/9 argued [2] 192/19 208/15 argument [1] 215/14 arises [1] 28/9 arising [1] 45/24 arm [1] 200/12 armed [2] 129/21 129/22 arms [1] 139/5 around [70] 21/9 21/10 29/8 44/18 61/19 71/11 89/6 95/5 96/3 99/12 105/4 112/21 119/2 126/9 126/12 126/15 127/1 128/25 129/18 129/21 129/23 130/10 130/13 133/2 134/18 135/16 135/22 136/1 136/12 137/8 142/14 143/15 144/19 145/9 145/24 146/1 146/23 146/24 147/12 147/14 147/21 148/1 148/6 150/8 150/10 150/18 152/1 152/8 155/25 160/3 165/12 174/1 175/11 196/23 199/21 199/24 205/17 205/23 205/24 206/18 206/19 215/24 219/5 221/10 223/3 232/18 232/20 232/22 233/19 235/13 arrangement [2] 27/7 197/22 arrangements [22] 6/25 7/14 7/15 8/17 15/22 16/3 22/7 24/6 25/20 29/18 31/22 76/5 80/1 91/10 98/24 99/17 99/20 101/18 102/7 102/25 122/3 122/4 arrest [11] 46/20	59/24 74/8 74/8 74/14 74/21 95/20 111/19 111/20 192/11 198/16 arrested [3] 104/9 139/16 140/21 arrests [1] 182/8 arson [1] 131/20 artificial [1] 225/5 as [303] Ashab [1] 180/11 ask [23] 84/3 88/15 88/21 91/16 102/5 103/16 104/2 171/3 195/8 195/9 204/25 208/2 208/3 210/22 211/3 216/12 219/23 225/24 226/5 227/5 227/22 233/5 235/22 asked [4] 42/22 114/12 119/8 125/3 asking [8] 91/25 96/14 103/11 104/19 137/7 198/23 223/24 231/17 aspect [10] 92/10 120/11 127/24 129/23 130/1 132/19 140/14 148/21 157/21 200/23 aspects [5] 59/14 60/25 130/23 146/12 205/18 assassination [1] 140/23 assault [2] 71/10 94/14 assembling [1] 106/13 Assent [1] 162/12 assertive [2] 217/17 217/25 assess [9] 7/17 14/8 20/8 33/11 56/1 75/12 76/11 77/24 191/16 assessed [1] 68/17 assesses [1] 65/6 assessing [5] 28/6 58/10 58/21 66/6 103/25 assessment [57] 5/25 7/10 12/14 12/17 12/18 13/7 14/15 14/22 15/3 16/10 16/13 18/5 19/1 19/5 19/11 19/16 20/5 20/10 22/2 25/22 26/6 26/13 26/24 27/24 29/12 29/22 32/19 33/19 35/11 36/12 39/2 39/14 39/17 55/13 64/6 65/1 65/5 65/21 68/6 83/15 85/14 97/12 103/2 103/6 103/21 104/7 105/3 109/3 109/14 116/8 117/22 127/17 154/8 163/17 163/18	165/15 166/24 assessments [8] 31/8 32/25 34/7 79/4 79/24 108/15 109/21 228/15 AssetPlus [5] 14/21 14/24 15/7 16/5 23/19 assigned [1] 51/9 assist [7] 43/2 62/15 72/11 76/14 94/8 94/20 102/21 assistance [6] 3/20 16/9 21/22 91/8 123/10 236/21 assisted [1] 54/14 assisting [1] 94/11 associated [7] 17/23 69/2 70/17 112/1 179/25 186/18 212/22 associates [1] 138/19 association [1] 10/4 associations [1] 78/22 assortment [1] 182/3 assume [1] 15/15 assumption [1] 192/22 assurance [1] 29/10 assured [1] 19/20 at [197] 1/21 2/2 2/7 2/16 2/23 3/8 4/1 7/8 10/5 18/23 32/14 40/6 41/16 42/18 43/21 48/19 51/15 53/22 56/6 56/14 59/24 64/21 64/23 65/1 65/7 65/9 65/17 65/23 66/25 67/19 68/6 68/21 69/11 72/9 73/12 75/3 75/19 77/4 78/4 81/20 82/18 84/7 84/16 84/19 85/9 85/13 86/25 87/4 87/5 87/16 89/15 89/21 90/3 90/4 91/11 92/1 92/19 92/25 94/25 95/5 95/11 95/12 95/22 95/24 96/2 96/3 96/5 96/16 97/8 97/11 98/9 99/20 99/21 100/16 101/7 102/25 103/10 103/22 103/25 104/6 104/12 105/12 107/16 109/22 111/25 114/17 116/18 116/18 117/1 120/15 121/6 121/8 121/8 121/9 121/12 122/9 123/1 123/7 124/6 124/14 128/14 131/7 131/11 132/3 132/18 132/19 135/6 137/18 137/21 139/20 139/22 140/2 141/1 141/4 142/12 142/24 143/15 143/23	144/9 145/6 145/8 145/19 145/20 146/6 149/6 152/17 157/2 159/24 160/3 160/4 160/18 160/19 160/20 161/15 162/3 162/15 164/22 164/25 165/4 165/13 169/6 173/3 174/23 174/25 177/25 178/23 179/22 184/16 190/24 191/10 192/2 192/7 192/10 192/10 193/10 194/2 194/9 195/1 196/8 196/10 196/14 197/3 200/24 201/13 202/17 205/10 205/15 206/17 207/3 207/12 209/6 211/14 211/22 213/17 214/2 214/10 215/8 218/20 219/15 222/2 224/14 224/15 226/6 228/14 228/20 228/24 229/15 230/10 231/7 231/9 232/16 232/17 233/14 234/24 236/1 236/6 237/16 attach [5] 93/9 94/10 170/12 172/3 172/10 attached [7] 26/11 42/17 54/25 55/21 93/1 93/13 93/17 attack [20] 42/5 46/17 46/22 46/25 47/8 47/17 48/24 50/18 51/14 106/12 114/25 115/15 129/13 130/3 175/13 178/16 223/14 223/16 230/12 230/24 attacking [1] 131/19 attacks [9] 4/10 46/18 81/5 131/17 131/20 178/17 178/25 179/12 180/12 attempt [3] 33/24 110/18 153/17 attempts [1] 150/20 attendance [1] 21/10 attended [1] 21/7 attention [9] 10/3 30/18 35/15 43/17 46/15 128/16 192/8 192/14 232/25 attitudes [3] 13/14 13/23 19/14 Attorney [1] 37/24 Attorney General [1] 37/24 attribute [2] 42/6 198/1 attribution [2] 207/17 207/17 audience [1] 160/2 audio [1] 4/2 Audiovisual [1]
----------	--	--	---	---

A Audiovisual... [1] 125/2 August [1] 3/22 August 2019 [1] 3/22 Australia [7] 144/16 217/13 217/16 217/20 217/22 218/3 218/24 Australian [3] 216/13 216/22 217/18 Australians [2] 219/4 219/14 authorised [1] 23/11 authorities [11] 69/16 73/16 86/2 121/11 148/14 159/15 186/16 224/16 230/14 230/17 233/24 authority [4] 44/12 54/17 85/17 116/19 automated [1] 159/7 automatically [2] 8/7 28/13 availability [1] 234/20 available [58] 7/8 8/18 8/21 11/17 16/14 16/18 22/13 22/25 25/9 25/25 26/21 39/24 42/19 46/2 46/11 47/9 47/11 48/5 52/4 52/18 54/17 55/6 58/8 63/20 68/21 69/20 75/2 75/10 76/23 80/5 82/3 91/11 110/7 112/22 113/6 141/7 148/5 171/24 175/3 176/14 177/24 180/23 182/10 182/23 183/23 184/3 186/3 187/10 189/24 193/2 212/11 216/17 217/14 223/5 223/19 225/6 225/14 235/5 avenues [1] 96/15 avoid [5] 18/11 53/9 80/2 143/20 203/5 aware [10] 95/25 98/1 177/3 198/13 209/5 210/16 225/12 228/25 234/11 235/5 awareness [6] 67/4 67/23 69/12 148/1 148/16 232/21 away [14] 20/9 33/15 64/3 70/9 73/8 74/11 74/15 87/14 107/6 115/8 135/16 160/5 181/18 232/8 awful [4] 134/4 141/13 163/14 188/14	98/22 104/8 104/16 106/12 110/19 111/25 112/16 113/10 115/1 115/19 117/12 123/7 124/1 131/23 132/7 133/16 141/1 162/15 164/22 166/12 167/6 168/9 170/24 172/16 173/3 175/25 177/19 180/6 187/14 205/22 219/9 221/9 221/24 236/6 backdrop [1] 51/12 backed [1] 171/11 background [4] 111/12 164/2 196/20 225/3 backgrounds [1] 115/21 backwards [2] 166/9 186/6 bad [2] 133/24 163/5 bag [1] 48/19 bail [11] 58/13 74/17 74/19 74/21 74/24 75/2 75/12 81/10 95/20 95/21 104/9 balance [4] 56/23 57/7 102/10 172/20 bankrupt [1] 218/8 Bar [1] 3/14 barrier [1] 223/2 barriers [1] 27/22 barrister [1] 3/15 base [6] 16/7 21/18 106/22 106/24 154/5 154/9 based [15] 12/3 15/10 21/12 42/8 58/15 105/22 105/23 138/11 160/6 160/9 169/17 170/4 173/20 188/18 203/19 baseline [3] 65/1 65/5 68/6 basically [3] 153/17 153/21 170/8 basis [11] 5/23 40/23 44/14 45/19 85/1 89/9 106/25 133/1 175/20 209/2 210/17 battery [1] 71/10 BBC [1] 141/10 be [416] bear [2] 93/5 200/17 became [1] 158/23 because [91] 9/15 10/3 13/6 18/18 30/11 31/22 34/10 41/24 47/25 53/14 70/10 88/22 89/5 92/25 96/5 96/25 97/13 98/8 100/17 102/8 105/21 107/5 108/24 110/13 112/21 113/10 114/23 115/3 116/19 117/1	117/4 118/1 119/22 119/24 120/18 121/17 122/25 126/25 127/3 127/5 128/4 131/21 134/12 134/20 134/24 140/15 142/14 143/7 145/22 154/2 155/2 156/25 158/23 163/21 164/2 164/11 164/15 166/17 168/8 169/11 170/8 170/11 176/8 178/1 180/22 186/5 187/16 188/17 189/20 194/12 197/5 199/12 202/9 202/22 203/10 204/12 207/25 211/13 215/20 216/21 217/21 218/3 218/7 223/6 223/8 224/4 225/13 225/17 228/6 228/13 235/2 become [6] 34/9 70/17 102/13 137/15 140/5 191/14 becomes [5] 43/3 52/7 64/19 102/2 186/25 becoming [5] 66/1 72/18 83/6 89/12 134/19 bedroom [1] 84/19 been [126] 9/15 11/22 16/5 16/19 18/20 21/17 23/24 26/1 27/17 28/5 29/11 34/2 34/23 37/9 39/16 40/2 42/22 43/10 45/16 46/3 46/8 47/9 47/11 47/20 49/4 49/6 49/21 49/22 49/23 50/2 50/3 50/10 52/8 52/24 54/12 56/8 57/16 60/24 62/3 66/8 69/18 70/10 72/6 74/14 76/23 85/7 85/11 86/7 86/8 88/11 89/24 89/25 97/21 97/22 101/16 102/11 103/15 105/1 106/1 106/2 114/23 119/19 119/19 125/3 129/10 133/25 134/3 134/17 136/17 138/8 138/11 145/18 145/23 147/4 148/5 150/6 157/24 158/6 158/12 158/17 159/18 165/8 169/16 170/1 180/20 182/7 182/13 182/14 190/10 191/1 192/13 192/17 195/24 202/18 203/9 208/16 209/22 209/22 210/16 211/25 212/9 213/11 215/15 216/18 216/18 216/24 217/3 217/10 217/19 218/17	225/4 226/14 227/21 229/25 230/4 230/6 231/21 231/22 232/18 233/1 235/15 236/19 237/3 237/7 237/9 237/14 before [53] 1/17 3/6 3/9 3/16 4/20 7/1 7/8 9/25 9/25 17/2 26/4 26/16 30/17 36/20 38/8 39/15 40/1 42/23 43/7 43/9 47/14 52/6 52/7 53/11 59/21 61/24 63/14 63/20 68/12 78/5 80/5 84/3 85/24 90/22 100/14 104/17 110/6 111/7 114/5 123/9 128/3 131/14 146/13 147/20 153/5 160/17 181/6 185/8 194/23 195/8 203/1 226/25 232/5 beforehand [2] 236/23 237/9 befriended [1] 140/7 began [1] 1/17 begin [5] 83/20 97/6 117/4 190/23 237/17 beginning [4] 30/16 141/1 142/13 143/15 behalf [1] 114/19 behave [1] 218/2 behaviour [57] 6/8 9/16 9/25 10/4 10/4 10/13 10/23 11/20 13/13 13/24 14/12 15/3 15/11 15/11 18/13 19/24 21/3 22/16 23/7 23/9 25/17 27/9 32/21 42/10 42/25 43/9 57/16 63/11 73/4 73/9 73/25 74/4 74/5 77/22 78/3 81/17 81/19 81/20 86/24 89/11 107/5 108/5 131/25 137/13 141/20 146/10 146/13 147/12 151/15 166/17 190/24 224/14 224/24 225/12 232/6 236/7 236/12 behavioural [9] 12/4 57/14 65/16 73/6 73/6 158/5 224/25 226/21 231/5 behaviours [16] 15/4 66/2 136/1 136/22 142/2 142/3 142/8 150/20 163/13 191/12 228/9 231/7 231/10 231/14 232/1 232/5 beheading [1] 136/8 behind [4] 71/18 116/14 137/1 198/13 being [60] 4/2 10/23 23/14 29/15 37/14	40/8 42/4 48/13 54/22 54/23 55/19 61/7 84/11 84/18 88/17 89/14 89/21 91/3 92/23 94/24 94/25 98/3 109/22 130/14 130/19 132/1 132/13 132/17 135/4 135/14 136/17 137/17 137/17 137/19 138/9 141/2 142/7 149/21 155/4 160/9 163/21 168/5 171/24 182/17 185/9 189/25 190/5 190/7 190/21 191/6 196/22 196/24 209/10 212/22 216/6 219/25 221/16 229/20 232/1 235/6 beings [1] 178/2 belief [1] 49/1 beliefs [2] 13/14 19/14 believe [6] 31/2 136/10 158/15 175/21 225/17 225/18 belong [1] 119/22 below [8] 5/5 29/15 58/8 61/5 61/16 81/19 103/25 153/14 benchmark [1] 70/20 benchmarking [1] 163/1 beneficial [3] 96/19 114/18 117/8 benefit [1] 92/16 bespoke [3] 95/1 104/23 148/8 best [7] 53/22 109/23 114/10 115/25 117/24 149/19 209/21 better [6] 73/4 93/17 156/7 183/2 190/19 228/18 between [28] 2/6 5/2 7/3 19/6 21/1 58/19 59/9 65/24 66/10 81/20 81/23 82/14 91/15 112/18 125/11 136/2 139/20 140/24 156/21 161/9 165/18 190/2 192/21 196/25 214/15 216/13 232/19 234/15 beyond [4] 32/5 70/3 72/17 101/19 big [18] 115/22 116/3 116/5 116/20 117/7 121/21 140/5 157/15 160/23 166/7 166/16 174/13 178/7 202/7 202/17 204/16 228/3 230/21 bigger [2] 187/16 214/14 biggest [2] 178/24 231/21
B back [39] 26/18 42/6 67/15 84/8 87/15				

B bilateral [1] 197/22 biography [1] 4/7 Bishop [1] 216/16 Bishop Mar Mari [1] 216/16 bit [19] 105/13 105/19 105/20 106/3 108/21 108/23 116/17 138/21 140/6 146/19 148/20 150/13 161/15 164/4 169/9 169/9 213/19 221/5 228/17 bites [1] 172/6 bits [3] 171/14 214/20 214/21 blame [2] 12/5 135/6 bleak [1] 135/1 blended [1] 81/18 blood [3] 126/2 139/9 141/18 blue [1] 14/1 board [20] 1/14 1/16 2/2 2/10 2/14 3/6 32/4 84/24 88/5 90/17 96/22 104/16 108/25 110/13 115/19 121/16 154/16 167/24 233/8 237/2 boards [2] 109/11 110/1 bodies [1] 229/22 body [5] 42/12 129/4 140/20 220/4 227/12 boggles [1] 184/4 bomb [3] 140/22 178/5 188/12 bomb-making [1] 178/5 bombs [1] 46/19 book [1] 185/13 books [1] 195/24 bot [1] 207/20 both [29] 4/15 10/25 14/17 20/12 20/24 23/5 25/18 25/19 32/20 39/7 50/5 55/3 88/15 105/13 113/24 117/1 120/16 125/5 126/20 143/9 148/9 149/6 151/22 157/7 213/16 216/17 224/20 236/23 237/12 bots [2] 156/13 186/13 boundaries [4] 21/10 24/24 79/15 140/16 boundary [1] 162/18 box [1] 14/1 boxes [2] 162/6 162/7 boy [3] 48/15 138/16 140/2 Boyle [7] 123/20 152/22 173/8 195/6	204/24 236/17 237/15 boys [4] 134/24 137/13 140/15 150/23 Bradley [3] 138/16 139/16 141/5 Bram [1] 118/24 brand [3] 70/5 206/7 207/8 branding [4] 139/5 206/4 206/8 207/25 breach [5] 57/11 74/24 75/25 102/14 226/24 breached [1] 55/1 breaches [3] 74/21 75/15 226/4 breadth [1] 11/15 break [14] 36/22 37/1 62/22 67/12 83/20 83/24 92/12 152/17 152/20 164/17 173/2 173/6 194/23 195/3 Bredow [1] 124/25 bricking [1] 131/19 bricks [1] 131/20 brief [2] 153/2 173/16 briefly [6] 11/18 37/15 56/6 92/13 135/24 168/6 bring [26] 7/15 19/11 31/15 38/11 48/3 49/24 50/5 62/6 72/21 106/6 111/20 111/21 113/4 113/8 114/22 115/1 115/6 115/11 124/9 145/2 151/15 157/14 161/18 200/14 200/17 229/21 bringing [4] 9/5 73/2 116/17 143/18 brings [4] 5/19 143/23 172/10 232/24 British [2] 202/5 230/15 broad [6] 8/19 26/6 153/24 176/25 186/19 226/1 broad-ranging [1] 226/1 broadcast [3] 4/2 123/19 124/1 broaden [1] 112/14 broadening [1] 72/16 broader [6] 25/11 34/15 76/12 80/11 211/6 215/19 broadly [5] 13/8 50/24 164/25 181/8 213/3 broken [2] 77/6 88/20 brought [8] 27/19 35/24 43/17 74/22 103/8 151/20 169/14 172/5 browsing [2] 75/11	75/11 budget [9] 120/4 193/21 193/22 193/22 194/1 194/4 194/6 208/21 221/1 budgetary [1] 193/19 budgets [3] 118/16 194/11 209/21 build [7] 13/11 24/3 44/2 72/24 106/22 111/5 175/18 building [4] 11/6 212/13 212/13 212/20 builds [1] 12/11 built [3] 122/8 209/13 227/8 bulk [1] 86/21 bullet [2] 231/1 232/14 bullying [1] 11/25 business [3] 164/20 225/1 225/4 businesses [1] 204/19 but [283] buy [2] 47/17 157/14 buy-in [1] 157/14 C Cadenhead [2] 138/17 141/5 cages [1] 218/15 called [12] 48/16 134/1 153/20 157/9 167/7 175/24 177/4 202/18 209/11 211/16 213/10 234/16 calling [1] 125/10 calls [2] 154/15 158/3 came [5] 30/17 31/20 46/15 139/24 158/20 camera [1] 1/3 Cameron [3] 141/9 141/9 142/9 CAMHS [1] 119/24 campaign [1] 150/12 campaigning [3] 162/13 169/24 169/25 campaigns [1] 77/20 can [210] 4/7 4/21 6/14 8/23 9/17 9/18 10/10 11/1 11/8 14/8 15/9 16/6 18/12 19/11 20/20 20/21 20/24 21/9 21/12 21/19 23/5 23/9 23/10 23/13 23/25 24/18 24/23 25/3 25/18 26/12 27/10 27/12 27/14 27/21 27/23 28/1 29/3 30/23 30/24 31/25 34/9 34/21 35/13 36/8 37/17 39/16 42/9 44/8 48/11 50/9 50/11 51/1 51/25 53/4 54/6 55/1	55/7 57/4 57/22 57/24 59/20 61/10 61/11 62/2 64/21 66/17 67/3 67/22 69/17 70/15 72/11 74/2 74/17 74/20 74/21 75/5 75/7 75/20 75/23 75/25 78/20 80/6 81/17 82/1 82/8 82/12 82/17 84/8 84/24 87/17 87/21 89/5 89/17 90/6 90/22 91/1 91/12 92/12 92/16 92/21 94/11 94/18 95/4 95/6 95/21 95/23 96/20 102/1 102/16 103/19 104/8 104/21 107/21 108/1 109/9 110/11 111/11 111/23 112/6 113/14 113/14 114/16 116/8 117/3 117/10 119/11 119/12 119/14 119/22 120/3 123/7 127/9 131/12 136/3 137/9 137/18 139/10 144/10 145/14 146/12 147/18 148/3 148/18 148/18 149/25 150/19 150/24 151/14 152/1 152/2 152/8 152/9 153/1 153/22 153/23 154/1 154/2 154/25 156/20 160/20 161/8 161/10 163/4 167/10 167/17 171/7 174/12 175/7 177/20 177/23 179/2 179/3 180/3 180/22 183/18 184/1 184/2 186/6 187/5 190/8 190/21 191/4 192/23 197/10 200/2 201/16 203/22 205/5 206/6 207/13 210/22 213/9 217/4 217/18 217/23 218/5 218/18 221/15 225/24 226/5 226/5 226/6 226/7 226/25 227/5 228/11 231/11 232/10 233/10 237/15 can't [15] 90/17 95/19 111/19 114/13 114/19 116/13 127/10 166/11 193/4 197/25 202/23 203/18 211/14 223/11 230/18 Canada [1] 144/16 Canadian [1] 149/11 candidates [1] 106/10 cannot [8] 6/11 24/8 29/19 50/13 53/2 71/21 95/24 166/2 capabilities [8] 133/6 180/5 197/6 200/14 200/17 203/25 204/1 208/10	capability [10] 30/5 78/21 79/2 82/12 132/23 150/5 180/24 193/14 220/1 220/6 capable [7] 20/11 26/14 72/10 115/25 117/25 210/13 225/22 capacity [5] 8/12 27/23 175/15 187/12 193/14 captivated [1] 48/20 capture [2] 68/2 92/7 captured [2] 31/21 109/2 captures [1] 92/5 card [1] 136/21 care [14] 2/1 7/16 14/15 27/5 31/16 34/19 66/4 79/10 99/14 99/15 119/1 141/14 209/20 232/1 career [2] 1/17 124/17 careful [2] 105/7 148/2 carefully [1] 179/13 carer [1] 21/8 carers [7] 6/21 17/5 30/16 31/10 70/13 72/8 72/10 caring [2] 148/15 231/23 carried [2] 47/7 136/14 carries [1] 47/23 carry [5] 48/23 60/4 88/13 103/22 230/11 carrying [1] 60/8 cars [1] 141/25 carving [1] 129/4 case [73] 2/21 5/14 19/7 19/25 22/10 33/6 33/22 35/6 38/22 39/8 39/25 40/21 43/4 44/1 44/3 44/4 44/10 45/9 45/15 45/20 46/1 47/4 48/4 49/22 50/2 52/7 52/14 52/19 53/4 56/18 59/18 59/19 59/21 59/23 60/14 62/2 64/14 64/17 65/23 76/24 79/17 81/3 83/5 84/21 88/15 88/18 93/13 93/18 94/11 94/13 94/14 94/15 94/21 94/21 101/3 106/25 106/25 112/17 112/24 117/21 117/21 117/21 117/24 118/17 121/11 127/5 138/24 159/24 202/16 208/17 210/5 225/4 225/10 case-holding [1] 117/21 caseload [10] 5/2 5/6
---	---	---	---	--

C	55/21 69/21	146/10 151/15 169/2	11/5 11/12 12/10	154/18 154/20 155/3
caseload... [8] 5/20	cautious [1] 161/5	227/24 228/6 231/8	12/24 13/1 13/10 14/9	155/10 158/16 163/9
6/23 7/9 8/8 10/16	caveat [1] 114/12	231/11 231/13 231/14	14/22 15/2 15/13	163/14 196/14 198/4
14/21 118/21 182/6	cease [3] 69/17	232/6 236/7 236/12	15/15 16/7 16/8 16/11	213/18 213/19 213/22
cases [68] 7/22 13/7	73/10 108/2	changed [6] 28/19	17/5 18/9 18/19 18/25	214/15 215/20 215/21
17/25 19/10 30/1	cell [9] 109/17	33/19 35/6 110/21	19/2 19/7 19/20 21/2	227/9 227/14 227/15
32/10 34/2 34/9 37/20	109/20 143/13 144/22	137/2 147/12	21/8 21/20 21/21	228/22 232/1 232/4
38/5 38/5 38/6 38/7	144/23 200/8 205/14	changes [5] 33/7	21/25 23/25 24/3	232/7 232/7 232/13
38/8 40/22 40/24	221/11 223/15	33/8 159/8 168/17	25/18 25/25 26/4 26/7	children's [13] 2/1
40/25 41/1 41/2 41/17	censorship [1] 217/8	228/24	28/7 28/9 29/8 29/10	7/16 7/24 14/14 27/5
42/8 42/14 44/4 46/3	Center [1] 198/3	changing [3] 15/19	29/14 30/3 30/17	34/3 89/11 99/14
46/8 49/25 50/5 50/15	central [6] 21/1 31/20	89/10 146/13	33/25 34/12 35/2	100/9 148/11 158/13
51/6 51/17 52/20	35/8 139/2 144/21	channel [1] 230/5	36/17 52/15 52/21	161/13 228/2
52/23 54/11 66/1	145/13	chaos [1] 220/18	53/7 53/13 53/23	choice [7] 70/18 72/3
68/19 78/17 79/20	centralised [1] 66/19	chapter [1] 195/16	54/11 55/4 56/3	151/18 161/24 165/17
81/23 82/23 83/16	centralising [1]	characterisation [1]	101/22 102/2 105/4	213/24 214/5
93/9 93/16 112/20	194/16	115/2	105/4 106/23 119/18	choices [18] 65/12
113/5 115/10 115/23	centre [9] 124/11	characterised [1]	119/19 119/20 119/21	65/12 68/19 69/4 70/5
138/7 139/19 143/21	139/10 143/23 145/14	49/2	119/24 119/24 119/25	70/6 70/7 70/8 70/11
161/24 162/19 168/2	193/12 219/24 222/1	characteristic [1]	120/13 120/20 121/4	70/18 70/21 71/2
176/17 178/11 178/19	224/13 227/11	42/8	121/7 124/5 124/16	71/14 71/19 71/21
180/13 184/25 187/22	CEO [1] 125/22	characteristics [1]	128/12 128/14 128/15	108/1 112/3 112/7
188/24 191/8 204/17	CEOP [1] 150/5	199/12	129/5 130/6 130/8	choose [2] 204/23
205/8 208/15 208/23	certain [9] 29/20	charge [12] 38/20	130/19 132/11 132/18	214/1
209/23 222/13 224/7	40/22 76/18 101/20	43/22 43/23 44/12	134/9 136/13 136/16	circles [1] 187/19
234/14	154/10 166/10 171/12	45/3 45/5 45/18 46/9	143/6 143/7 145/10	circumstance [2]
casework [4] 40/21	211/1 225/7	49/9 58/5 74/17 75/20	149/4 150/9 188/20	140/18 170/24
42/7 42/8 51/10	certainly [28] 36/24	charged [5] 41/12	189/7 206/18 206/21	circumstances [32]
casts [1] 162/23	62/20 83/22 86/21	48/5 49/23 50/3 60/9	206/24 207/1 227/10	6/8 10/9 13/14 15/19
casualty [3] 47/8	92/16 92/18 96/2	charges [22] 45/3	Child First [6] 16/7	16/2 17/8 19/13 22/17
48/24 51/14	103/6 103/19 164/21	45/5 45/18 46/1 48/3	21/20 23/25 25/18	24/20 28/19 29/4 39/6
catch [2] 163/7 165/5	176/17 177/21 178/3	49/13 49/24 50/1 50/5	56/3 106/23	42/24 43/16 45/16
catchall [1] 140/6	179/3 189/10 189/15	61/12 62/6 74/22	child's [14] 13/13	52/18 56/8 59/3 59/15
catching [1] 172/23	189/17 189/24 191/2	75/17 103/4 103/7	14/18 17/7 18/6 19/24	62/3 64/18 69/21
categories [9] 32/19	192/8 198/14 201/20	103/8 104/5 111/20	21/6 22/16 27/8 31/7	79/13 84/9 85/3 85/22
77/7 107/21 155/16	204/13 207/22 215/7	113/4 113/5 115/5	32/20 32/21 35/7	87/21 105/4 113/2
181/8 206/11 211/1	215/10 234/18 235/7	115/12	120/7 120/21	115/2 137/25 142/23
215/9 217/6	chain [2] 156/11	charging [11] 43/22	childhood [1] 106/16	circumvent [1]
categorisation [1]	166/25	44/11 44/13 45/12	children [115] 3/2	164/17
161/4	Chair [8] 37/7 90/15	46/5 47/21 49/6 52/9	4/19 6/17 6/23 7/5 8/6	City [1] 124/19
categorise [1] 41/1	91/20 96/14 96/15	81/9 104/6 104/10	8/7 8/13 8/25 9/5 9/7	civil [23] 5/12 5/16
category [10] 5/13	98/25 118/17 221/10	charities [2] 147/9	9/22 10/2 11/20 14/11	5/19 56/14 73/22 74/5
9/14 42/17 78/17	Chair's [1] 4/17	167/15	16/19 17/21 20/15	76/13 95/3 98/18
155/20 161/4 163/8	chairing [1] 144/2	Charlton [1] 140/1	23/1 23/4 24/15 25/9	102/7 102/10 103/14
166/6 189/13 215/1	challenge [22] 27/10	chat [4] 85/12 137/5	27/1 27/25 29/20 30/8	112/14 113/9 114/2
Category 1 [4]	28/9 28/21 35/21	205/20 206/1	31/25 32/16 34/17	170/25 171/11 171/22
155/20 161/4 166/6	63/10 68/11 76/20	chatbots [1] 154/3	35/15 35/17 35/25	174/4 174/18 193/6
215/1	79/16 82/5 110/14	ChatGPT [1] 154/2	52/5 53/1 53/4 53/5	193/17 229/12
catharsis [1] 235/17	120/24 127/19 127/22	check [2] 226/9	53/10 53/21 53/25	claim [2] 169/17
caught [1] 154/4	131/21 136/24 142/1	235/4	55/20 57/17 61/2 62/8	205/22
cause [10] 15/11	142/7 149/8 187/16	checked [1] 64/10	79/11 89/12 98/6	claims [2] 171/22
41/10 42/3 45/25	191/16 191/18 207/21	checklist [1] 14/3	98/15 105/12 106/4	226/18
48/12 50/8 92/1	challenges [20] 1/23	checks [1] 64/7	115/24 117/3 121/13	clarification [1]
128/18 128/22 136/3	4/23 26/19 26/22	Cheryl [3] 1/15 12/16	127/20 127/23 129/7	28/16
caused [3] 47/14	26/25 63/7 79/20	26/18	133/21 133/21 133/21	clarity [3] 29/23
71/22 96/21	80/13 81/8 83/13	Chief [3] 1/15 2/11	133/22 133/23 134/5	189/9 222/24
causes [5] 58/4	120/12 127/6 130/13	3/11	134/7 135/13 135/16	class [1] 3/13
130/12 135/22 136/9	137/11 150/12 173/18	Chief Operating [1]	135/17 136/6 136/15	classed [1] 213/7
136/24	188/11 193/7 202/13	1/15	137/1 137/24 137/24	classified [1] 44/23
causing [2] 7/19 73/5	220/5	Chief Operating	138/3 138/6 138/6	classify [2] 193/2
caution [4] 19/22	challenging [2] 77/20	Officer [1] 2/11	139/8 139/12 139/13	219/2
54/24 54/25 90/25	211/13	Chiefs' [1] 3/1	140/22 143/1 145/6	clear [33] 7/11 9/12
cautions [9] 5/22	chance [1] 156/17	child [109] 3/2 3/5	145/19 145/22 146/1	28/23 29/2 31/11
18/15 18/15 18/17	change [19] 20/19	5/5 5/7 5/19 6/7 6/21	146/10 147/11 147/13	31/24 34/21 36/20
20/1 54/22 54/23	29/4 33/16 34/12	7/9 7/11 7/19 8/1 8/22	148/9 150/7 150/17	41/5 45/9 47/2 58/6
	65/16 89/13 110/18	9/14 10/1 10/10 10/20	153/15 154/16 154/17	63/12 69/18 76/22

C				
clear... [18] 79/18 79/24 89/23 94/19 122/1 122/3 135/8 147/16 164/1 178/5 189/8 190/1 190/16 191/19 200/19 229/17 230/11 235/19	coercive [3] 72/2 110/6 111/11	56/20 63/1 74/18 86/23 87/15 92/3 94/15 98/22 102/5 104/16 106/12 107/12 110/19 112/15 115/19 118/2 123/7 128/16 139/18 154/11 156/4 159/3 160/12 167/9 172/2 173/3 174/4 175/25 177/19 180/6 205/3 221/24 228/11 228/17 229/7 229/16 231/11 237/10	commonly [1] 32/11 communicate [1] 205/21 communicated [1] 109/8 communication [3] 148/1 156/11 206/1 communications [5] 124/21 161/10 162/20 170/7 201/21 communities [6] 2/8 66/24 67/18 126/15 135/17 142/5 community [39] 2/9 5/9 11/4 12/14 12/23 15/10 16/20 16/21 17/2 17/25 18/16 19/21 22/12 22/23 22/25 25/9 35/20 39/5 74/3 108/8 126/16 127/25 135/14 135/18 135/19 135/22 136/2 136/25 142/5 143/18 148/6 148/7 149/18 151/12 151/21 181/9 181/25 187/1 189/12	202/7 complicates [1] 183/3 comply [2] 157/10 169/5 comprehensive [4] 14/22 72/24 174/19 178/9 concealing [1] 233/9 conceivably [2] 54/10 171/22 concentration [1] 220/7 concept [3] 128/9 133/20 134/20 concern [32] 7/20 8/3 11/12 15/4 16/16 17/18 27/12 29/20 29/25 32/14 33/9 33/17 33/19 34/15 35/18 44/18 50/8 58/5 78/19 83/2 85/14 86/1 98/8 98/12 100/6 115/24 157/16 158/10 172/18 217/8 230/10 235/15
clearer [1] 229/13 clearly [16] 42/25 79/17 82/7 114/17 115/13 176/22 180/24 181/18 189/7 190/8 190/24 191/11 194/12 212/17 220/13 230/23	coincidence [1] 202/24 collaborating [1] 78/7 collaboration [5] 2/25 27/4 125/11 192/5 192/21 collaborative [1] 59/10 collaboratively [1] 81/4 collate [1] 229/23 collated [1] 230/12 collating [1] 93/19 collation [1] 97/5 colleague [2] 101/17 129/25 colleagues [3] 97/17 97/23 195/25 collect [1] 130/14 collected [1] 48/18 collecting [2] 125/15 133/19 collectively [1] 16/1 COM [48] 109/18 124/8 126/10 126/11 126/16 127/12 127/16 129/24 131/18 131/22 132/2 132/3 132/9 132/15 137/7 137/8 138/16 140/25 140/25 144/5 145/12 150/10 150/15 181/10 181/23 198/2 198/10 199/2 205/7 205/13 206/6 206/9 206/11 207/4 207/23 219/6 220/15 221/5 221/8 221/12 221/13 221/17 223/23 224/6 230/4 231/9 236/2 236/4	comes [14] 4/3 66/22 67/16 91/16 113/8 121/8 138/17 142/12 151/5 155/11 166/23 206/21 218/1 224/24 coming [13] 97/24 117/12 152/7 158/8 158/25 159/6 171/12 171/14 191/3 207/19 210/7 226/3 228/15 commenced [1] 170/1 comment [9] 51/19 113/21 114/1 122/24 203/18 218/12 218/23 221/8 222/18 commentary [1] 215/12 commenting [2] 202/1 227/19 comments [1] 236/6 commercial [1] 204/18 commission [7] 44/7 52/12 86/9 86/9 217/16 217/22 218/3 commissioned [2] 119/19 124/23 Commissioner [5] 161/14 216/24 217/9 217/19 219/2 Commissioner has [2] 217/9 217/19 Commissioner in [1] 161/14 commissioning [1] 8/17 commit [8] 15/14 46/16 47/7 60/12 61/1 80/23 85/15 114/13 commitment [1] 90/14 commits [1] 41/21 committed [13] 11/22 39/16 43/10 47/16 48/2 56/8 56/24 74/15 94/5 102/12 103/15 109/23 114/6 committing [7] 47/18 48/9 90/5 141/25 142/22 196/19 198/22 common [4] 12/8 71/9 92/17 203/15	companies [16] 154/7 156/6 157/3 157/7 160/24 161/4 166/8 174/4 174/21 201/4 204/17 204/22 205/2 208/3 226/17 232/20 companies' [1] 162/10 company [3] 159/3 225/11 226/7 comparable [1] 20/22 compared [3] 70/22 71/3 71/11 comparison [3] 70/19 71/20 216/13 compete [1] 129/14 competence [1] 102/21 competition [2] 125/3 136/2 complained [1] 168/11 complaint [1] 155/13 complete [7] 18/20 27/8 32/22 44/9 106/12 170/10 189/4 completed [1] 34/23 completely [4] 88/23 117/6 209/22 224/22 complex [18] 1/23 30/25 44/3 51/10 62/7 63/6 63/11 66/1 75/1 79/16 79/19 80/13 83/14 98/14 153/4 183/4 235/18 237/7 compliance [4] 21/7 70/9 209/12 212/23 complicated [1]	concealing [1] 233/9 conceivably [2] 54/10 171/22 concentration [1] 220/7 concept [3] 128/9 133/20 134/20 concern [32] 7/20 8/3 11/12 15/4 16/16 17/18 27/12 29/20 29/25 32/14 33/9 33/17 33/19 34/15 35/18 44/18 50/8 58/5 78/19 83/2 85/14 86/1 98/8 98/12 100/6 115/24 157/16 158/10 172/18 217/8 230/10 235/15 concerned [16] 46/7 58/3 90/10 97/9 108/6 108/6 128/25 157/21 176/17 189/4 191/20 193/1 193/8 194/13 203/5 203/10 concerning [8] 14/12 37/11 42/25 43/8 73/3 77/18 174/22 224/14 concerns [52] 6/19 7/13 9/1 9/15 12/12 13/20 13/21 14/9 14/17 15/19 15/21 16/11 17/10 20/24 21/5 21/25 23/4 23/21 24/14 25/10 27/1 28/3 28/11 28/14 30/2 30/13 30/15 30/17 31/23 31/24 32/11 34/6 35/14 35/23 36/15 61/19 66/10 72/22 78/6 78/22 79/14 80/2 82/2 82/5 84/11 94/6 106/17 163/13 185/23 214/25 222/16 227/1 concession [1] 157/23 concessions [1] 157/25 conclude [2] 8/1 61/24 concluding [1] 231/2 conclusion [2] 44/24 226/3 concrete [1] 101/13 condition [3] 91/2 113/16 164/8 conditional [6] 5/22 18/15 54/23 54/24

C	38/20 39/8 44/5 53/15 58/7 58/12 58/21 81/17 90/7 92/4 117/23 119/3 159/9 197/3 232/16 considerations [5] 53/20 66/4 75/7 81/21 165/1 considered [13] 7/13 8/4 9/22 14/19 18/10 26/20 65/10 98/3 115/5 162/22 179/13 196/22 236/3 considering [6] 55/12 91/22 92/10 101/23 108/3 182/5 considers [3] 15/3 22/13 57/1 consistency [2] 13/6 96/24 consistent [9] 11/11 26/16 29/21 30/15 36/11 36/19 89/24 165/20 165/21 consistently [2] 9/12 31/3 consists [1] 182/6 consolidated [1] 220/16 consolidating [2] 194/17 220/22 constitute [2] 57/12 229/22 constitutes [2] 44/6 96/25 constituting [1] 235/8 constrained [2] 115/10 203/17 constraints [1] 193/19 constructive [3] 58/23 173/18 202/8 consult [3] 43/24 87/14 169/3 consultancy [1] 125/23 consulted [1] 158/25 consulting [1] 210/8 consumption [2] 191/10 191/11 contact [2] 34/2 94/3 contain [4] 23/13 24/23 126/2 158/14 contained [1] 85/20 contains [2] 26/6 168/16 content [194] 77/9 77/11 77/12 77/15 77/18 77/21 77/25 78/3 108/9 125/18 127/23 128/5 128/6 128/22 134/15 134/16 134/17 149/20 153/9 153/11 153/12 153/14 153/15 153/15 153/23	154/10 154/15 154/23 154/24 155/2 155/3 155/5 155/23 155/23 155/23 156/5 156/16 156/22 156/24 157/18 158/1 158/12 158/15 158/19 159/7 159/21 159/22 159/25 161/23 162/1 162/2 162/5 162/6 162/8 163/1 163/2 163/4 163/6 163/8 163/9 165/1 165/5 165/6 166/3 166/10 166/17 166/18 166/23 167/2 167/4 167/7 167/12 167/21 168/8 168/25 169/1 169/2 169/10 169/23 170/21 170/23 171/6 171/8 171/17 171/20 171/25 171/25 172/8 174/11 174/14 175/13 175/14 175/19 175/21 175/24 176/9 176/12 176/20 176/21 176/24 177/9 177/13 177/18 178/1 178/3 178/4 178/7 178/12 178/25 179/18 179/21 179/24 180/19 181/4 182/3 183/18 183/21 184/11 185/1 185/7 185/24 186/2 186/17 186/25 187/15 188/5 188/8 188/12 188/20 188/23 188/23 189/23 189/25 190/13 191/3 191/10 191/11 192/1 192/3 194/15 200/24 201/1 202/11 206/13 207/9 208/19 208/22 208/25 209/6 209/12 209/13 209/18 210/14 211/11 211/18 213/7 213/8 213/10 213/17 213/18 213/21 213/25 214/3 214/11 214/14 214/15 214/16 214/21 214/23 214/25 215/2 215/2 215/3 215/11 215/20 216/25 217/6 222/4 223/8 223/18 224/8 224/25 227/11 228/3 229/4 233/9 233/14 233/19 234/9 234/16 234/20 235/8 235/12 235/14 context [21] 12/5 15/18 19/16 22/9 37/12 37/17 39/12 43/12 50/12 50/20 63/6 87/5 105/5 122/20 131/22 135/9 165/9 165/23 177/11 196/13 226/4 contextualisation [1]	215/12 continuation [1] 104/11 continue [6] 9/7 34/16 40/14 82/18 89/22 133/11 continued [2] 28/15 82/5 continuing [3] 29/25 60/21 120/10 continuity [2] 31/14 33/5 continuous [1] 60/14 contract [9] 21/1 21/2 21/9 23/13 24/18 88/8 88/11 89/19 91/3 contractual [1] 222/15 contrary [3] 47/21 48/5 50/2 contribute [5] 22/23 85/13 97/16 113/22 152/10 contributed [1] 124/22 contributing [3] 17/9 21/5 234/19 contributions [1] 3/2 control [8] 18/3 25/7 26/7 35/12 136/18 154/23 163/2 170/21 controls [6] 23/6 23/9 24/2 25/1 25/14 160/3 controversial [1] 118/13 convening [1] 29/24 conventional [1] 5/15 conversation [1] 96/2 conversations [4] 12/2 137/4 197/24 232/3 converse [1] 217/24 conversion [1] 14/20 convicted [4] 16/19 49/18 50/10 170/22 conviction [17] 38/19 44/16 45/7 45/8 50/14 57/17 58/14 60/17 76/3 85/1 85/5 86/23 93/24 101/2 110/7 170/3 172/13 convinced [1] 215/10 coordinate [5] 30/25 81/8 82/12 121/12 230/1 coordinated [20] 7/23 24/10 25/23 26/13 31/9 31/25 33/20 35/5 36/13 36/16 78/12 78/18 79/24 81/2 121/24 144/21 161/16 194/8 200/17 204/4	coordinates [1] 11/24 coordinating [3] 28/23 66/5 191/20 coordination [16] 36/19 66/9 79/3 81/6 83/15 143/12 144/22 145/2 145/14 192/4 192/20 200/8 201/14 205/14 230/21 234/1 coordinator [1] 144/23 coordinators [1] 144/24 copycatting [1] 147/25 Core [3] 1/7 37/8 237/18 correct [2] 115/16 117/25 corresponding [1] 150/22 cost [3] 135/2 164/8 164/12 costs [2] 212/22 212/23 could [69] 8/4 8/13 9/5 9/20 10/12 33/2 33/6 49/11 49/22 50/3 50/4 54/10 85/9 87/7 88/4 88/11 88/13 89/13 92/9 94/20 95/8 96/8 97/15 105/18 108/19 112/23 115/6 115/11 115/23 116/24 131/18 147/17 154/4 156/10 156/11 156/18 158/3 158/4 161/12 162/16 162/21 164/19 165/9 167/4 171/21 172/10 193/23 194/23 198/18 198/19 199/4 201/18 201/22 202/2 204/9 204/20 207/2 211/3 213/15 220/6 221/6 221/18 221/24 222/17 225/8 225/21 226/11 226/23 233/5 couldn't [2] 122/8 127/21 council [5] 3/1 125/19 173/21 173/22 174/7 Counsel [2] 37/7 237/12 count [3] 208/11 208/14 208/20 counter [16] 51/5 51/6 51/7 65/25 66/4 66/10 67/5 67/24 71/25 77/20 78/24 109/19 131/1 132/23 143/13 143/19 Counter-narrative [1] 77/20 counter-terrorism [10] 51/6 51/7 65/25
----------	--	---	---	---

C counter-terrorism... [7] 66/4 66/10 67/5 67/24 71/25 78/24 109/19 countering [1] 176/6 countries [3] 3/24 175/5 189/5 country [6] 118/15 119/1 119/11 140/19 145/1 207/19 couple [7] 126/2 133/9 133/17 138/7 168/16 177/22 189/16 course [44] 60/15 86/14 87/23 88/2 88/9 105/25 110/8 174/16 176/3 177/17 178/8 178/11 178/20 179/1 180/4 180/9 180/21 181/11 181/13 181/17 182/12 183/3 183/17 183/22 184/8 184/12 184/15 185/15 186/15 186/18 190/13 193/7 201/11 207/5 207/18 208/7 209/4 210/12 211/5 211/13 212/8 218/4 224/15 225/13 court [53] 2/22 5/8 5/21 5/23 10/15 12/20 12/21 12/22 14/23 16/24 16/24 17/4 17/7 18/9 18/14 20/16 21/14 22/13 23/15 24/16 25/3 26/4 26/21 35/12 38/8 38/8 41/12 45/6 45/7 50/11 54/7 54/15 54/16 54/18 54/21 55/3 55/5 55/6 55/12 56/2 56/21 56/22 56/23 57/1 75/22 75/25 95/11 170/3 171/4 180/13 182/12 182/13 182/16 court records [1] 182/16 court-ordered [1] 35/12 counts [7] 6/11 16/18 16/25 18/11 113/2 170/8 170/9 cover [4] 4/15 63/5 63/17 170/25 coverage [1] 170/11 covered [2] 171/18 197/21 covers [2] 176/25 226/22 Covid [1] 134/4 CPA [1] 171/6 CPS [69] 3/16 3/23 3/24 37/10 37/16 37/18 37/22 39/21 40/2 40/3 40/18 42/6	43/3 43/6 43/11 43/17 43/20 44/10 44/13 45/13 46/4 46/8 51/18 52/7 52/10 52/14 52/18 54/19 56/21 57/10 57/17 58/23 59/2 59/8 59/9 59/11 61/7 61/10 61/19 62/1 62/4 84/7 85/22 86/8 86/14 86/21 86/25 87/3 87/4 87/9 87/15 87/22 88/14 92/5 92/7 92/18 92/24 93/4 97/23 102/13 102/20 102/21 103/9 113/21 114/20 115/5 122/23 170/7 170/10 CPS's [2] 51/5 101/3 cracks [1] 143/22 create [20] 9/3 27/21 51/13 92/17 97/10 110/15 135/19 136/18 139/9 141/19 147/24 177/2 178/25 179/8 179/11 181/4 185/1 190/11 227/9 232/10 created [5] 120/1 153/24 211/25 212/5 212/10 creates [3] 24/21 149/7 151/13 creating [5] 9/13 51/4 117/7 176/19 205/24 creation [7] 129/5 129/21 136/16 136/19 160/4 193/11 220/1 credibility [3] 128/10 205/25 219/11 credit [2] 205/22 206/1 crime [58] 3/21 4/4 4/9 11/25 55/17 56/18 56/19 63/4 68/14 70/22 71/1 71/7 73/20 73/23 74/3 74/12 74/14 74/24 76/13 76/18 76/24 77/1 80/23 80/25 83/12 93/7 93/12 101/13 104/2 107/24 112/1 121/19 124/6 126/7 127/17 128/14 129/11 129/24 131/6 131/10 132/8 133/4 143/16 143/19 145/1 150/25 166/18 170/2 172/9 172/11 172/12 181/9 181/24 195/23 199/13 199/16 224/15 235/8 crimes [1] 71/3 criminal [74] 3/16 5/16 26/16 28/13 37/20 38/2 41/4 41/8 42/9 43/4 43/8 43/10 52/12 56/16 57/12	57/14 59/15 61/2 61/8 61/12 61/23 63/12 69/5 69/20 72/5 74/4 74/8 76/22 81/19 85/16 85/19 85/21 86/9 86/24 98/7 103/17 104/1 109/24 110/16 110/17 142/22 142/24 145/10 145/21 146/7 146/12 146/14 146/25 149/20 151/7 151/13 153/14 154/24 156/25 157/1 161/23 162/17 163/6 166/14 166/17 166/21 167/25 168/9 169/7 169/22 171/24 196/15 199/20 199/23 215/18 224/15 227/10 233/16 236/9 criminalisation [3] 9/4 36/3 53/10 criminalise [3] 8/13 111/10 166/17 criminalised [1] 163/5 criminalising [1] 163/2 criminality [3] 60/25 122/12 206/12 crises [2] 158/24 159/13 crisis [2] 135/2 159/1 criteria [14] 16/4 49/15 49/20 85/24 85/25 117/15 117/19 118/20 118/22 119/5 131/9 205/16 206/24 225/16 critical [3] 30/23 38/1 79/10 critically [1] 77/24 cross [12] 31/7 79/15 80/14 82/12 83/14 113/23 146/17 152/9 155/12 185/16 194/9 201/9 Cross-cutting [1] 155/12 cross-domain [1] 80/14 cross-Government [2] 152/9 194/9 cross-HMG [1] 113/23 cross-platform [2] 185/16 201/9 crossed [2] 26/17 142/21 crosses [1] 101/9 crossing [1] 161/6 crossover [1] 140/24 crossovers [1] 129/24 Crown [6] 3/11 3/12 16/24 37/9 99/4 113/3 cruelty [5] 60/2 129/8	129/10 153/16 162/21 crystallising [1] 104/22 CSA [4] 130/10 130/21 136/14 137/23 CSAE [1] 81/1 CSAM [10] 137/1 139/24 158/7 159/10 167/22 169/22 171/3 172/9 191/22 195/22 CT [4] 68/24 69/1 71/24 112/5 CTI [1] 71/24 CTP [2] 188/2 193/22 culpability [1] 39/5 cultural [1] 119/21 culture [3] 119/9 119/11 121/20 cumulative [9] 15/18 27/20 28/24 29/25 33/3 33/11 34/22 35/4 36/14 curate [1] 156/17 curfew [2] 22/20 23/8 curfews [1] 25/5 curiosity [2] 147/25 215/13 curious [1] 225/15 current [11] 1/9 16/8 21/21 68/15 71/18 72/21 87/6 91/10 96/21 98/24 123/23 99/6 213/7 221/11 233/13 234/2 currents [1] 37/11 cusp [2] 196/8 196/10 custodial [5] 5/11 17/3 17/24 76/1 141/6 custody [6] 16/22 23/3 74/22 75/15 75/17 75/21 cut [11] 137/9 139/1 139/3 139/4 139/4 139/8 140/20 159/25 206/5 209/22 215/4 cuts [1] 91/17 cutting [3] 82/12 129/3 155/12 cyber [87] 4/8 4/9 63/17 64/5 64/8 64/24 65/2 65/4 65/5 65/7 65/9 65/11 65/12 65/13 65/17 65/18 65/21 65/22 65/24 65/25 66/2 66/10 66/21 67/3 67/15 67/22 68/7 68/16 68/19 68/22 68/23 68/24 69/2 69/4 70/3 70/5 70/5 70/6 70/7 70/11 70/18 70/18 70/21 71/1 71/4 71/7	71/14 71/18 71/19 71/21 71/25 72/3 72/6 76/9 78/21 79/1 79/1 80/19 81/1 81/2 81/5 82/20 83/3 95/7 95/11 95/13 95/24 96/12 108/1 108/3 108/6 108/10 108/11 108/18 112/2 112/3 112/6 112/11 129/24 129/24 133/4 145/9 145/12 151/18 198/2 206/12 235/24 cyber-related [1] 66/10 cyber-specific [2] 63/17 71/18 cybercrime [7] 4/5 63/4 63/23 74/25 98/2 130/17 130/18 D damage [2] 61/2 132/21 damaging [1] 141/25 data [28] 42/13 72/23 92/5 92/7 93/2 93/3 97/5 106/13 124/22 133/19 171/22 182/10 182/15 192/11 202/15 202/19 202/22 209/14 210/15 215/24 216/17 216/20 217/14 222/8 222/9 225/14 225/17 228/17 dataset [1] 178/9 datasets [2] 68/1 68/3 date [3] 59/24 89/16 210/17 dates [1] 237/11 day [2] 149/4 152/15 days [5] 89/25 134/23 198/7 229/20 230/13 DDOS [1] 130/3 de [12] 1/15 2/13 4/11 64/7 64/22 77/14 79/14 81/13 82/8 89/3 90/9 107/12 de-conflicting [1] 81/13 de-confliction [4] 64/7 64/22 79/14 82/8 de-ranking [1] 77/14 deal [10] 57/15 96/17 99/10 109/17 146/12 149/4 149/5 164/9 170/16 235/20 dealing [11] 16/18 53/1 62/12 92/12 93/12 114/10 117/25 132/18 206/20 215/18 221/13 deals [2] 181/12 201/21
---	--	---	--	--

D dealt [2] 42/15 51/9 death [1] 140/3 debatable [1] 190/25 decade [1] 174/1 decades [1] 185/14 December [1] 197/17 December 2025 [1] 197/17 decided [1] 225/12 decides [2] 164/10 171/4 decision [22] 19/4 19/5 19/8 19/10 19/15 20/11 34/1 34/14 39/9 43/22 44/11 44/13 46/5 52/9 55/11 77/22 160/18 160/19 169/5 169/6 205/17 206/19 decision-making [7] 19/5 19/8 19/10 20/11 77/22 205/17 206/19 decisions [9] 8/18 18/23 38/13 54/20 58/22 62/7 122/15 133/1 133/13 decline [3] 110/9 110/11 208/9 declined [1] 35/7 dedicated [7] 13/18 68/25 99/24 130/7 144/18 200/11 222/25 deemed [5] 40/11 53/13 55/9 57/21 157/11 deeming [1] 213/9 deep [1] 218/4 defamation [1] 171/23 defence [1] 50/25 defendant [5] 46/14 50/7 50/9 59/23 94/3 defendant's [1] 45/22 defendants [1] 53/6 defer [1] 90/18 deferred [4] 12/23 18/16 18/17 18/17 define [1] 181/24 defined [8] 25/14 40/5 41/3 47/19 53/14 114/4 122/2 170/17 defining [1] 132/3 definition [18] 39/22 41/6 49/5 54/11 58/6 91/21 91/24 92/6 92/8 92/15 92/17 92/23 96/21 100/1 132/8 133/8 138/12 153/25 definitions [4] 40/16 133/9 144/9 154/6 definitive [1] 182/16 degree [3] 3/13 25/7 226/11 delay [1] 27/24	delayed [1] 35/7 delays [1] 31/5 delegate [1] 225/19 deleted [2] 170/5 230/8 deletion [3] 153/6 169/25 170/17 deliberate [1] 202/21 deliberately [2] 207/10 223/8 Delisting [1] 77/9 deliver [2] 124/11 152/10 delivered [12] 8/15 9/8 9/23 20/16 21/19 23/25 68/19 69/3 100/16 117/10 231/2 237/8 delivering [2] 1/21 150/11 delivery [8] 2/17 18/6 24/9 24/25 26/13 65/11 107/16 116/18 demand [1] 225/16 democracy [2] 155/24 180/16 democratic [1] 215/3 demographic [1] 96/1 demonstrate [7] 39/24 42/5 43/13 59/20 127/6 176/12 199/12 demonstrated [3] 46/10 47/15 51/16 demonstrates [1] 128/4 department [3] 37/18 194/10 204/2 departments [5] 192/21 203/24 204/4 209/22 220/22 depend [3] 52/18 100/15 167/13 dependent [1] 100/19 depending [7] 16/1 27/4 71/4 122/19 156/21 170/18 183/12 depends [10] 14/12 18/4 20/10 22/5 25/15 25/21 26/10 29/5 61/7 79/23 deploy [1] 108/1 deployed [1] 3/23 depth [1] 205/8 Deputy [4] 2/7 3/11 124/5 128/13 Deputy Director [1] 2/7 derogatory [1] 193/13 describe [7] 132/14 135/7 143/3 143/10 206/6 219/6 219/11 described [6] 33/23	126/9 126/13 138/11 141/11 231/4 describes [1] 134/2 describing [3] 126/23 140/6 184/7 deserves [1] 220/11 design [2] 18/5 160/1 designated [7] 171/7 171/8 175/5 177/6 177/7 180/1 227/12 designed [22] 50/23 57/5 57/15 63/21 65/15 70/3 80/10 82/22 99/19 109/9 128/22 143/14 145/18 149/12 154/19 156/4 159/13 159/13 160/2 170/12 170/15 203/1 desire [2] 45/23 48/23 desist [4] 69/17 72/11 73/10 108/2 desistance [1] 22/22 desktop [1] 75/9 despite [1] 208/12 destruction [1] 170/19 detail [7] 4/16 68/9 73/13 105/19 133/17 154/21 195/12 detailed [1] 64/2 details [4] 4/6 129/18 157/23 226/18 detect [4] 63/24 159/7 174/14 209/13 detection [3] 66/22 67/16 68/1 detention [4] 5/11 17/15 17/17 17/18 deter [1] 74/11 determination [1] 158/17 determine [7] 7/18 41/13 45/1 62/5 64/11 82/10 165/17 determined [5] 10/14 13/4 29/16 75/14 162/8 determining [7] 38/6 54/14 58/12 68/18 102/18 158/5 161/20 develop [6] 1/25 3/1 36/7 132/2 132/17 135/14 developed [10] 11/5 58/23 61/11 66/9 77/5 81/15 98/11 106/25 132/8 200/7 developing [7] 1/21 53/8 84/13 144/9 151/24 151/25 233/17 development [10] 2/21 3/4 13/16 16/8 21/21 51/23 72/15 97/22 98/1 113/24 develops [2] 10/21	40/9 device [2] 85/20 86/3 devices [16] 46/21 48/21 57/23 75/4 75/9 84/19 85/9 86/23 88/12 95/10 95/19 95/23 96/11 96/16 97/25 109/13 devised [1] 210/4 diagnostic [1] 14/3 diagram [3] 131/4 153/17 201/12 did [20] 19/19 30/18 31/8 41/25 50/5 70/20 70/23 71/1 71/3 71/20 84/10 113/6 115/3 115/6 115/13 140/21 163/18 169/12 170/9 197/17 didn't [14] 33/1 34/8 35/7 85/1 97/10 115/4 127/24 167/18 170/10 186/10 196/2 218/6 234/6 234/8 differ [3] 6/2 12/8 18/18 difference [10] 54/23 102/6 112/18 139/20 141/7 199/5 202/2 204/9 213/20 217/15 different [49] 3/24 27/10 34/6 34/18 42/4 79/21 79/22 80/25 81/6 82/19 95/17 96/15 98/25 99/1 99/10 99/11 103/16 107/19 108/5 110/4 110/23 115/21 131/6 132/7 136/2 137/3 140/6 141/3 142/17 143/16 143/17 144/7 147/7 154/22 161/9 170/17 170/18 171/16 183/9 183/9 186/21 189/24 211/12 219/8 219/15 220/21 221/15 228/20 236/18 differentiate [1] 196/25 differently [2] 34/18 121/11 differs [1] 210/24 difficult [24] 27/14 106/13 108/23 131/9 131/23 142/4 162/3 163/7 177/25 188/7 188/8 188/9 189/14 193/9 202/7 202/17 202/20 207/18 210/25 211/16 211/19 222/10 229/18 230/24 difficulties [2] 12/4 199/1 difficulty [4] 148/17 148/19 191/19 228/5 diffusion [1] 28/21	digital [7] 77/23 84/19 88/12 160/25 170/11 172/6 177/15 digitally [1] 179/3 diminishing [1] 118/16 direct [7] 77/17 79/7 84/6 205/6 213/6 223/1 235/23 directed [2] 10/15 206/25 directing [2] 77/17 131/7 direction [2] 103/3 158/18 directly [6] 21/14 59/16 147/23 150/17 198/1 227/8 Director [4] 2/7 2/16 37/22 125/8 disable [1] 168/24 disadvantage [1] 1/20 disadvantages [1] 213/15 disclose [1] 225/12 disclosing [1] 225/9 disclosure [1] 30/23 Discord [6] 138/24 139/14 149/16 149/16 185/21 187/19 discover [3] 77/16 175/19 229/6 discovery [2] 156/14 207/16 discretion [1] 117/9 discretionary [1] 17/19 discuss [2] 135/24 173/12 discussed [4] 165/8 197/23 215/15 234/7 discussing [2] 180/20 181/9 discussion [3] 28/8 56/9 95/4 discussions [2] 111/13 235/13 disengage [1] 34/13 disengagement [3] 28/12 57/6 110/14 Disorder [1] 55/18 displaying [2] 14/11 19/2 disposable [1] 156/13 disposal [7] 26/12 54/7 54/15 55/13 55/16 56/2 194/2 disposals [5] 26/9 35/22 54/21 55/3 55/6 dispose [1] 19/23 disrupt [9] 50/23 61/16 73/12 76/3 97/2 125/13 173/24 199/16 219/18
---	---	---	--	--

D disrupted [4] 32/13 33/8 34/5 190/5 disrupting [2] 175/2 220/24 disruption [29] 1/10 52/11 55/7 58/7 61/5 68/15 69/7 69/8 69/9 69/23 73/6 73/6 73/18 74/10 74/16 76/4 76/8 77/3 86/13 87/13 87/19 101/9 101/12 111/21 123/1 123/25 176/25 177/1 233/10 disruptive [4] 86/25 96/16 110/6 110/10 disseminate [1] 145/6 dissemination [1] 64/22 distance [1] 223/16 distasteful [1] 139/2 distinct [2] 59/10 206/8 distinction [6] 5/1 7/3 13/5 23/12 100/17 234/15 distinguish [1] 214/15 distress [3] 128/18 128/22 136/9 distressing [2] 126/3 142/10 distributed [1] 33/2 diverse [1] 12/14 diversion [32] 5/4 6/4 6/6 6/10 6/18 6/24 7/10 8/4 8/15 8/23 12/17 12/19 13/7 18/8 20/7 35/12 53/8 56/11 56/22 57/4 69/14 73/21 74/7 97/23 98/14 99/4 100/16 100/21 102/8 102/9 113/10 113/11 diversionary [7] 65/15 80/5 97/21 101/1 108/16 236/3 236/13 diversionary-type [1] 236/3 diversions [1] 99/2 diversity [1] 128/5 divert [2] 73/8 232/8 divided [2] 78/23 154/14 division [4] 3/17 51/6 190/1 194/10 divisionary [1] 68/21 do [190] 8/7 14/2 24/25 26/2 32/22 35/25 38/15 41/1 42/7 45/12 51/20 57/19 60/13 67/10 67/12 75/17 76/10 78/17	80/12 82/9 82/14 83/11 84/4 84/5 84/13 87/15 88/23 89/1 89/18 90/4 90/9 95/23 95/24 97/19 98/5 104/6 104/22 104/25 105/10 105/16 106/2 106/4 106/21 108/23 108/24 109/5 110/20 111/3 111/14 111/23 113/22 114/9 116/14 116/22 117/19 118/5 118/15 119/10 120/6 120/10 120/15 120/17 120/17 121/10 121/12 122/4 123/4 127/9 127/10 127/14 131/18 133/13 135/16 135/17 135/18 138/10 139/9 141/16 142/15 143/6 144/10 144/11 146/15 147/18 148/3 148/19 150/3 150/13 150/24 151/11 152/6 153/2 153/17 154/8 156/12 156/13 156/13 156/14 156/16 159/11 163/22 164/5 164/14 164/25 165/7 169/16 169/19 171/22 172/8 173/16 173/19 174/9 174/9 174/9 174/24 174/24 174/25 175/6 177/20 177/23 179/14 180/3 183/6 185/6 187/7 188/4 188/6 188/10 189/14 189/21 189/21 189/22 190/8 191/24 192/15 194/15 195/8 197/25 199/8 200/11 201/4 203/19 203/22 207/18 207/22 208/8 208/18 209/2 209/7 209/10 209/20 210/19 211/15 212/14 212/19 212/25 213/22 214/6 214/9 214/14 215/15 217/24 218/18 219/25 221/5 221/17 221/20 221/25 222/11 222/12 222/22 224/8 224/11 226/25 228/17 229/12 230/10 231/10 231/21 232/2 232/9 232/12 232/20 233/7 233/8 233/15 234/6 234/8 234/13 235/2 document [4] 48/8 112/24 167/7 167/10 documents [3] 49/14 49/20 115/12 does [59] 7/11 8/2 14/5 18/3 18/19 19/23 21/24 28/9 40/22 41/19 41/22 42/25 44/15 44/19 44/21	44/24 50/21 51/21 52/10 53/15 53/16 55/23 63/12 63/15 68/25 71/13 71/15 79/17 82/6 85/22 89/16 90/3 92/1 96/13 99/16 116/11 116/23 117/22 118/21 130/4 144/18 145/20 149/18 149/19 158/2 169/19 171/9 172/15 183/12 184/21 198/5 203/22 204/22 204/23 217/12 220/25 225/19 230/20 230/20 doesn't [20] 35/2 59/7 92/6 117/15 117/16 118/22 119/4 119/22 127/13 136/9 161/17 167/6 171/18 189/12 205/12 209/5 223/6 223/19 231/3 235/11 dog [1] 162/13 doing [28] 45/4 85/11 105/8 126/23 127/8 139/14 142/11 143/11 144/13 145/25 147/3 157/17 170/15 176/23 179/3 179/4 179/5 180/22 189/19 189/20 191/25 193/4 199/1 201/5 214/18 220/16 225/23 235/17 domain [4] 80/14 83/14 172/4 172/22 domestic [9] 32/12 34/4 40/24 73/25 82/25 93/25 98/4 143/14 143/20 domestically [2] 126/20 151/22 don't [52] 8/24 9/3 27/25 31/2 42/6 74/12 85/16 87/11 89/8 91/24 96/4 98/21 101/19 104/5 104/10 105/9 111/10 112/6 118/7 118/13 120/23 120/25 123/5 155/2 155/8 159/15 160/10 163/11 165/3 169/8 171/24 172/14 178/8 180/21 184/18 184/21 186/5 188/17 189/20 194/5 194/13 194/14 208/17 210/15 213/23 218/11 221/19 222/5 225/13 225/13 232/22 233/13 done [19] 40/23 75/16 88/14 88/16 107/9 107/16 132/4 141/10 143/9 146/20 148/4 165/25 175/7 177/22 194/16 223/11	229/12 231/5 237/13 door [9] 115/22 116/3 116/5 116/11 116/20 116/20 117/7 121/21 198/15 doors [1] 198/14 dotting [1] 161/6 double [1] 226/9 down [18] 77/6 92/12 100/24 105/8 154/25 156/5 159/25 166/24 168/8 168/24 169/14 172/3 184/11 198/15 202/18 210/14 217/1 237/6 download [2] 75/8 184/2 doxxing [2] 129/12 129/17 dozen [1] 175/10 dozens [2] 174/10 222/8 drafted [2] 50/24 163/17 draw [1] 181/22 drawing [3] 16/8 21/21 106/23 drawn [4] 32/2 135/13 137/19 140/3 draws [3] 24/12 101/16 107/7 drew [1] 107/18 drill [1] 100/24 drive [1] 179/11 driven [6] 15/12 37/14 52/5 52/17 58/4 61/19 driver [3] 40/7 62/13 191/1 drivers [4] 23/8 68/14 71/17 193/24 driving [4] 25/16 127/4 133/15 171/17 dropped [1] 183/17 drove [1] 134/4 due [3] 49/10 56/20 81/9 duplication [2] 66/12 80/2 during [3] 38/4 60/15 197/23 Dutch [1] 119/9 duties [15] 154/13 154/14 154/16 155/12 155/13 155/21 155/25 157/11 157/19 159/6 167/5 167/6 200/25 201/9 226/4 duty [7] 8/6 38/9 154/13 163/17 163/18 214/24 214/25 dwarf [1] 178/18	45/15 52/19 59/21 60/3 66/14 73/1 89/1 94/21 99/7 110/22 122/16 129/13 138/1 164/3 167/12 167/13 217/5 227/22 earlier [24] 4/21 6/6 7/6 8/10 9/12 9/25 30/14 31/17 35/9 36/3 36/4 36/4 44/15 59/5 67/7 67/25 78/11 80/18 93/10 104/17 106/7 219/9 227/2 229/15 early [32] 7/23 7/24 8/24 9/3 9/4 9/8 11/10 12/9 26/3 29/16 35/23 43/23 52/8 52/10 59/4 59/9 66/16 68/3 69/9 69/11 69/12 71/22 73/7 77/8 104/20 108/13 114/17 121/24 134/23 190/8 198/7 210/10 easier [2] 142/19 207/23 easily [4] 78/17 187/6 207/14 223/8 easy [13] 108/21 142/19 164/16 167/22 177/23 178/6 183/20 185/6 207/10 207/10 208/18 224/11 229/8 economic [1] 225/3 Economy [1] 172/6 ecosystem [3] 77/4 78/13 183/4 ecosystems [3] 181/10 182/4 183/19 edge [2] 101/8 102/1 edges [1] 101/20 educate [2] 150/6 212/18 educating [1] 66/23 education [29] 1/17 7/16 9/9 10/8 11/2 12/1 14/14 19/13 21/4 22/19 24/19 27/6 29/17 31/16 31/17 32/14 33/8 34/5 34/19 35/19 69/12 70/14 79/9 99/23 133/23 133/24 146/18 150/5 190/16 educational [4] 7/21 65/14 69/13 232/23 effect [6] 168/1 179/2 184/17 189/22 190/17 198/6 effective [32] 2/19 10/20 13/16 14/13 24/9 24/25 26/3 26/12 29/5 31/22 32/19 33/14 35/13 36/12 62/10 73/7 76/9 78/10 78/18 79/23 83/13
--	---	--	---	--

E effective... [11] 106/20 106/23 107/9 121/25 156/8 159/23 168/13 168/23 185/4 213/22 215/22 effectively [7] 35/24 51/25 93/11 116/15 138/1 150/14 179/2 effectively grooming [1] 138/1 effectiveness [16] 1/8 18/4 20/9 22/4 25/21 26/15 37/11 39/17 42/22 51/8 51/19 58/19 98/10 123/23 124/24 227/2 efficacy [1] 208/22 effort [1] 220/8 efforts [3] 9/2 219/5 229/6 egregious [2] 179/21 185/24 EIA [3] 43/24 44/3 46/5 either [17] 39/10 39/15 40/15 42/3 43/21 44/22 46/5 50/6 57/18 85/16 113/16 147/11 177/5 224/14 226/24 234/8 235/8 electronic [7] 23/10 23/16 25/5 46/20 48/21 57/23 89/6 electronically [1] 21/15 element [9] 41/3 65/13 73/11 100/3 166/19 166/24 166/25 167/21 216/1 elements [7] 41/19 42/19 60/6 108/12 108/18 122/4 174/24 else [10] 85/4 85/6 85/7 99/6 168/23 169/12 222/16 223/20 224/17 233/22 elsewhere [1] 108/22 embassy [1] 230/15 embedded [1] 99/22 emerge [1] 81/8 emerged [1] 188/19 emerging [12] 10/4 27/1 63/7 77/1 79/20 81/18 83/9 90/8 91/22 103/3 178/18 179/19 emphasis [3] 110/17 162/5 164/18 employment [1] 70/15 empowerment [2] 155/24 157/3 emulate [1] 47/5 enable [8] 30/23 40/22 45/9 45/12 77/8	93/10 212/6 222/2 enabled [1] 60/21 enables [8] 6/6 17/11 22/15 23/15 66/11 73/3 78/11 116/15 enabling [2] 89/20 125/20 enact [1] 48/17 encompass [1] 42/9 encounter [2] 29/21 153/23 encourage [4] 57/6 65/16 212/19 227/9 encouraged [3] 121/2 140/10 152/6 encouragement [1] 90/13 encouraging [8] 60/3 60/5 60/12 61/1 71/22 72/14 206/13 235/9 encrypted [4] 75/4 183/21 223/15 223/22 end [12] 18/23 45/14 105/13 160/21 164/16 169/3 169/6 197/14 214/18 226/14 230/15 234/8 endeavour [2] 51/6 231/13 ended [1] 33/10 endless [1] 90/2 ends [4] 39/12 101/7 105/9 157/12 endure [1] 123/12 enforce [3] 156/1 166/5 172/14 enforceable [2] 5/17 23/15 enforced [3] 6/11 25/1 112/6 enforcement [50] 10/24 37/21 38/4 67/3 67/22 69/11 76/14 80/23 82/2 111/8 124/10 126/20 126/24 127/3 127/7 127/22 127/25 130/5 133/10 136/25 142/18 143/11 143/17 144/1 144/15 145/17 146/12 148/6 149/19 151/11 151/21 152/8 157/13 159/15 160/19 168/2 169/6 179/17 191/5 197/5 200/15 205/15 208/15 210/7 219/5 219/12 224/16 229/21 231/14 234/13 enforcing [2] 157/8 214/22 engage [18] 18/19 24/3 28/10 32/1 35/2 72/12 76/5 80/22 110/24 111/3 144/24 146/11 147/21 156/16 193/18 202/7 203/9	203/13 engaged [9] 32/24 60/3 86/22 138/4 147/13 190/15 203/4 208/23 211/24 engagement [45] 2/9 3/25 6/21 7/6 10/14 11/1 18/7 21/4 21/10 24/22 24/25 30/10 30/24 31/4 31/20 33/8 33/15 40/20 56/15 59/9 60/20 69/4 69/13 69/25 72/4 72/8 73/11 79/7 80/16 80/21 81/13 81/25 108/7 108/13 108/15 110/19 111/6 111/7 113/23 142/17 160/6 197/21 204/3 206/21 212/16 engagement-based [1] 160/6 engagements [2] 2/7 73/16 engages [2] 10/20 149/19 engaging [7] 197/2 199/22 202/4 203/6 212/17 227/15 231/22 engines [1] 154/3 engines' [1] 165/2 England [6] 1/16 2/5 2/19 8/22 16/18 37/21 English [1] 218/21 enhanced [2] 53/14 53/16 enjoyed [1] 46/17 enormous [1] 182/2 enormously [1] 204/7 enough [13] 27/20 57/21 74/11 103/13 105/17 117/9 118/11 119/6 119/7 119/12 163/5 165/5 229/18 enquiries [2] 45/12 82/18 enquiry [2] 14/4 84/17 ensure [11] 19/23 51/24 66/12 80/2 82/13 118/20 120/16 131/12 145/14 147/18 203/2 ensuring [7] 2/19 16/11 28/24 35/22 63/10 66/7 231/17 enter [1] 5/6 entered [1] 26/8 entering [1] 10/6 enters [4] 7/9 10/1 26/4 43/7 entertainment [1] 232/22 enthusiastic [5] 198/25 199/3 202/2 204/8 204/20	entire [1] 225/4 entirely [3] 54/10 167/1 172/22 entirety [1] 178/19 entities [1] 176/2 entity [1] 226/6 entry [1] 36/4 environment [16] 117/5 127/7 130/15 136/13 137/23 143/11 146/8 149/1 149/3 149/13 160/23 223/15 227/9 232/11 232/13 232/19 environments [2] 134/6 146/7 envisage [3] 158/2 171/9 200/13 envisaged [2] 51/3 59/3 envisages [2] 160/14 226/22 equal [1] 40/15 equipped [1] 26/15 equipping [1] 77/23 equivalent [3] 21/14 72/1 139/19 error [1] 94/18 eSafety [7] 216/23 217/9 217/16 217/19 217/21 218/2 219/2 escalate [2] 78/6 110/16 escalated [1] 30/1 escalates [1] 9/25 escalating [2] 30/17 163/7 escalation [1] 29/2 especially [5] 124/16 192/25 223/13 223/21 225/5 espouses [1] 53/7 essential [1] 101/14 essentially [11] 91/7 98/24 101/18 112/18 119/2 119/9 126/18 134/3 135/12 145/4 205/18 Essex [1] 124/14 establish [5] 82/8 103/13 119/8 119/11 122/16 established [12] 5/16 37/18 58/25 71/21 79/17 82/7 109/15 110/2 111/2 125/9 174/1 221/11 establishing [1] 119/20 etc [4] 106/2 181/25 185/25 196/16 Europe [1] 160/25 European [1] 125/1 Europol [4] 144/17 144/18 229/20 229/22 evaluate [1] 209/7	evaluating [1] 58/10 evaluation [1] 117/18 even [16] 25/13 33/9 41/13 49/24 52/20 153/14 166/7 168/9 168/11 184/10 188/4 215/8 229/8 230/22 230/22 234/12 event [2] 32/6 159/22 events [1] 86/14 ever [3] 88/16 179/23 197/18 every [12] 5/19 6/13 8/22 11/12 18/21 24/8 28/6 33/25 143/5 143/6 149/4 191/1 every day [1] 149/4 everybody [3] 126/6 146/16 162/12 everyone [1] 184/3 everything [7] 85/4 85/6 116/13 134/21 134/22 177/22 180/22 evidence [50] 6/12 10/19 12/3 16/7 21/18 35/21 38/19 42/13 42/18 44/2 44/15 45/11 45/22 46/6 46/10 46/23 47/2 47/15 60/21 61/8 70/1 74/14 82/17 85/17 85/20 98/9 99/10 102/19 103/2 103/7 103/13 103/22 104/5 105/20 105/22 105/24 106/22 106/24 107/7 107/9 109/13 111/20 118/14 125/4 130/15 160/9 161/6 165/14 202/23 204/11 evidence-base [1] 16/7 evidence-based [1] 105/22 Evidence-informed [1] 10/19 evident [1] 176/15 evidential [10] 38/17 38/21 44/20 53/12 53/17 53/18 55/8 60/18 103/20 104/1 evidentially [1] 62/5 evidently [1] 58/20 evolve [1] 28/20 evolved [1] 21/18 ex [1] 164/18 ex-post [1] 164/18 exacerbated [1] 134/3 exactly [6] 89/18 90/25 91/2 107/17 179/5 225/2 examinations [1] 82/16 examine [1] 196/17 examined [1] 75/10
---	--	---	---	--

E example [51] 21/10 40/24 41/5 43/12 45/20 46/13 48/14 49/4 57/25 58/12 71/9 76/8 80/18 86/24 92/17 93/7 93/11 93/12 93/15 93/25 94/12 94/14 102/8 103/25 107/5 113/25 114/25 124/23 134/9 137/4 137/7 139/7 139/22 141/19 149/9 156/17 160/4 160/6 162/22 177/3 177/6 186/9 186/16 187/18 188/12 211/2 212/3 220/3 221/7 230/3 234/4 examples [21] 11/14 11/19 14/1 33/24 39/23 46/3 46/12 135/11 138/7 139/18 141/17 178/6 187/23 190/6 192/3 209/1 222/4 223/12 229/19 233/1 234/22 except [1] 41/2 exception [2] 211/24 212/8 exceptional [2] 64/18 236/21 excessive [1] 191/10 exchanging [1] 108/8 excluded [3] 133/21 134/7 134/17 exclusion [5] 10/9 22/20 23/9 25/5 57/24 exclusive [1] 32/19 exclusively [1] 207/4 excuse [2] 50/25 65/7 Executive [1] 125/8 exercise [5] 161/12 161/14 217/10 226/11 226/16 exist [5] 68/10 83/11 91/10 101/19 231/3 existence [4] 21/23 62/11 181/19 199/5 existential [1] 178/20 existing [19] 4/18 26/5 27/25 39/18 42/23 45/19 51/19 66/15 69/5 79/14 80/1 81/23 81/25 82/14 82/21 122/3 129/2 189/13 200/10 exists [4] 88/1 95/11 132/23 178/24 expand [1] 198/21 expect [2] 7/13 164/5 expectations [4] 21/9 21/12 23/14 24/23	expecting [1] 154/24 expects [1] 165/25 expensive [3] 164/9 178/1 202/19 experience [11] 124/20 178/3 189/17 202/4 203/8 203/23 210/23 211/9 217/13 224/21 233/13 experienced [1] 132/18 experiences [3] 106/17 120/12 133/24 experiencing [3] 1/22 32/17 119/25 experimentation [1] 68/4 expert [4] 124/15 187/7 225/18 225/19 expertise [10] 31/15 51/18 51/21 78/24 130/6 143/18 200/23 220/19 221/9 221/14 experts [2] 226/7 226/8 explain [4] 86/5 182/25 211/3 213/15 explained [2] 163/23 205/7 explains [1] 34/1 explanations [1] 214/17 explanatory [1] 74/10 explicable [1] 34/14 exploitability [1] 160/1 exploitation [9] 10/8 11/3 12/1 19/13 28/2 31/18 32/12 34/5 78/21 Exploited [1] 198/3 explore [3] 14/2 15/18 197/10 explored [1] 59/6 exporting [1] 132/10 exposed [1] 134/17 exposing [1] 215/13 exposure [4] 77/7 185/20 186/24 228/2 express [4] 43/14 87/24 212/1 212/5 expressed [3] 96/15 158/10 230/9 expressing [4] 43/13 230/7 234/5 234/23 expression [9] 155/14 155/14 156/1 172/18 172/20 191/9 215/2 217/9 218/10 expressions [1] 148/24 expressly [3] 41/7 50/16 155/8 extend [1] 207/2 extended [2] 17/18	37/9 extending [2] 30/7 116/24 extends [1] 16/20 extension [1] 159/5 extensive [2] 8/19 124/19 extensively [1] 151/19 extent [15] 6/1 45/6 92/22 94/16 158/22 159/17 162/18 179/7 183/18 203/13 203/18 209/8 209/15 217/25 222/18 external [4] 23/6 25/7 40/20 220/4 externally [1] 25/1 extolled [1] 59/25 extortion [4] 4/10 95/16 126/14 219/7 extradition [1] 3/20 extraordinarily [2] 218/4 236/20 extreme [17] 37/13 40/6 40/10 41/24 43/14 47/5 48/22 49/1 60/1 60/6 128/2 128/17 134/18 136/8 158/12 176/4 176/7 extremism [4] 80/11 82/21 126/13 207/24 extremism-related [1] 80/11 extremist [10] 76/12 125/16 176/2 176/4 176/5 176/6 185/18 190/13 206/13 223/24 extremist-related [1] 76/12 extremists [2] 183/7 183/14 eyes [4] 143/5 144/1 144/13 197/5	217/19 218/9 228/8 fact-specific [1] 54/10 factor [5] 41/16 50/22 90/6 176/16 179/4 factors [24] 10/23 11/6 13/15 13/20 15/5 17/9 17/22 18/13 19/15 21/5 24/4 24/4 25/16 39/2 54/3 54/4 70/12 90/7 106/16 106/18 106/20 118/17 164/19 231/21 facts [3] 45/15 59/22 115/13 failed [2] 143/7 145/22 failure [1] 169/5 failures [1] 204/12 fair [5] 114/16 161/19 193/13 217/16 234/17 fairly [1] 234/3 fall [7] 39/22 41/5 81/23 82/14 131/1 181/8 215/8 fallback [1] 165/24 fallen [1] 143/21 falling [3] 81/20 91/24 143/16 falls [6] 33/15 54/11 61/14 61/16 103/25 164/3 false [1] 129/21 familiar [1] 180/9 families [10] 1/22 12/6 27/15 30/12 31/2 31/25 91/17 98/15 129/19 227/21 family [22] 1/25 6/21 9/9 10/9 11/3 12/3 12/5 12/10 13/10 19/13 24/19 28/9 29/9 30/24 34/19 45/21 72/8 73/17 79/13 105/5 108/15 111/2 famous [1] 45/23 fan [3] 139/7 141/17 206/5 far [14] 48/2 49/12 90/10 113/15 116/2 117/13 117/14 127/12 158/6 176/4 176/7 209/5 217/18 226/17 far-right [2] 176/4 176/7 fascination [2] 41/24 48/22 fashion [2] 202/8 204/7 fast [1] 132/25 fault [1] 135/4 favour [3] 54/4 116/3 134/15 fear [3] 203/19 222/19 222/19	Fears [1] 193/17 feasibility [2] 164/4 164/7 feasible [3] 163/25 224/20 224/22 feature [6] 13/18 16/25 21/1 34/17 99/13 119/23 features [2] 154/8 228/7 feed [4] 145/13 158/16 219/10 219/13 feedback [1] 197/23 feeds [1] 156/17 feel [4] 30/19 116/24 135/21 203/19 feels [1] 160/11 feet [1] 90/22 fell [1] 49/20 felt [2] 31/11 57/19 females [2] 140/7 150/18 few [14] 68/8 89/25 106/10 174/16 179/19 186/10 188/19 192/17 195/10 208/12 212/12 218/7 218/14 223/7 field [1] 124/20 fight [1] 125/12 figure [1] 230/16 figures [1] 217/6 file [1] 183/23 file-sharing [1] 183/23 films [1] 163/3 filters [3] 155/25 156/14 158/4 final [8] 25/24 50/19 56/5 58/2 59/18 115/17 172/2 235/22 finally [12] 4/1 33/22 51/11 61/4 90/24 141/9 149/14 151/18 160/17 171/21 175/18 206/10 find [22] 112/21 112/23 126/3 140/21 155/10 167/25 175/13 176/23 177/25 178/2 178/6 179/16 183/21 185/5 186/10 187/12 207/10 207/11 208/19 216/6 224/3 229/8 finding [7] 67/14 141/14 168/10 175/21 187/24 188/8 227/15 finds [1] 135/6 Fine [1] 198/8 Finnegan [2] 141/9 141/9 fire [1] 90/22 firearms [1] 46/1 firmer [1] 195/18 firmly [1] 99/5 first [51] 2/2 3/13 4/18 4/25 16/7 20/15
---	--	---	---	--

F first... [45] 21/20 23/25 24/16 25/18 32/9 38/17 42/21 44/20 46/13 52/21 53/7 53/11 56/3 56/11 84/6 91/9 92/3 102/15 103/8 106/2 106/23 124/4 135/20 135/20 153/20 156/3 158/20 172/13 173/14 174/25 184/8 190/16 190/18 192/1 193/3 195/11 195/14 199/8 199/9 205/1 205/6 205/19 208/3 228/4 236/19 first-time [1] 106/2 firstly [4] 1/14 92/13 99/9 132/8 fit [12] 27/25 51/1 78/17 79/17 82/7 117/15 117/19 118/22 119/5 162/5 163/8 189/13 fits [1] 103/9 fitting [1] 162/6 five [4] 144/1 144/13 197/5 208/19 fix [1] 201/19 fixated [8] 1/8 40/5 52/16 63/22 76/11 95/25 140/2 184/13 fixation [8] 43/14 46/7 52/5 58/4 59/16 61/19 80/11 82/21 fixation-driven [3] 52/5 58/4 61/19 fixations [1] 191/11 fixed [1] 9/23 fixing [1] 229/2 flag [2] 40/22 93/14 flagger [1] 161/17 flagger-status [1] 161/17 flagging [1] 94/12 flat [1] 153/10 fleeting [1] 85/10 flexibility [3] 21/23 24/17 226/11 flexible [2] 122/19 167/20 flexibly [1] 21/19 Flipping [1] 224/12 flow [1] 93/20 fluid [1] 133/11 focus [20] 51/6 63/16 69/11 83/14 106/6 123/1 130/9 144/4 153/8 162/2 163/19 178/10 194/7 197/13 200/22 204/5 205/23 206/17 210/2 229/22 focused [18] 1/19 53/8 78/13 79/1 113/11 123/24 125/23	157/19 181/10 193/22 194/4 195/11 201/2 209/17 209/23 210/18 222/25 236/1 focuses [2] 156/19 205/16 focusing [12] 9/22 42/16 42/22 86/12 101/12 101/12 102/7 144/5 159/21 181/2 198/10 208/20 follow [4] 18/19 30/3 234/14 235/1 followed [1] 150/22 following [12] 20/16 24/16 30/10 46/20 73/22 74/2 75/16 84/14 134/4 150/11 170/3 195/23 follows [1] 33/25 footage [1] 215/8 footing [1] 39/14 for's [1] 232/1 fora [1] 99/13 forbid [1] 222/13 force [8] 56/20 81/6 97/24 109/23 144/18 200/13 210/8 221/13 forced [1] 134/4 forces [3] 81/2 145/3 145/7 forensic [1] 82/16 form [9] 7/20 8/7 24/2 41/19 58/14 86/24 160/24 174/2 235/17 formal [21] 5/7 5/21 7/1 9/6 10/1 12/20 12/21 18/14 18/19 21/16 54/24 69/7 69/17 69/20 73/18 73/19 87/16 99/2 157/23 217/1 217/3 formally [4] 11/23 40/20 44/10 87/8 forms [4] 82/22 153/12 207/24 223/24 forth [3] 179/1 188/1 189/25 forum [2] 100/7 205/21 forums [2] 196/18 235/14 forward [5] 37/5 63/1 75/13 113/4 179/17 forwarded [1] 234/7 foster [1] 141/14 found [13] 46/21 46/23 53/4 135/3 163/18 183/18 186/10 187/5 210/25 229/14 230/22 230/23 234/4 foundation [1] 14/24 foundations [1] 69/2 founded [1] 20/13 founder [1] 125/7	four [7] 1/11 49/14 49/16 123/10 173/12 205/18 226/20 fourth [1] 4/3 fragmentation [2] 180/8 189/4 fragmented [2] 31/5 117/3 framework [26] 2/18 5/1 15/17 16/6 18/3 21/16 23/5 23/24 25/3 26/5 26/14 27/4 28/6 29/22 46/11 62/9 69/1 71/25 72/2 87/18 88/1 92/18 102/23 114/24 117/9 154/5 frameworks [3] 4/18 28/1 123/25 frankly [1] 113/1 fraud [3] 155/22 159/6 159/7 free [1] 177/23 freedom [9] 155/14 155/14 156/1 172/18 172/20 214/1 215/1 217/8 218/10 freely [4] 184/3 212/11 223/4 223/19 Freitas [6] 1/15 2/13 4/12 89/3 90/9 107/12 Frequency [1] 75/14 frequent [1] 75/15 frequently [3] 62/7 74/18 79/12 friend [2] 185/3 224/9 friends [7] 129/6 133/22 134/6 134/12 135/18 140/10 141/15 friendships [1] 135/21 front [9] 96/6 113/2 115/22 116/3 116/5 116/11 116/20 116/20 117/7 frontline [3] 31/10 67/6 67/24 fruition [1] 160/12 fuels [1] 135/5 fulfil [1] 119/2 full [18] 3/15 8/25 19/16 34/21 38/15 39/7 44/14 44/22 44/25 50/6 50/7 55/8 68/2 92/10 105/2 113/2 116/7 178/23 fully [5] 46/9 80/7 82/23 105/9 200/11 function [10] 43/6 43/7 61/22 114/1 114/3 114/4 114/5 117/22 117/23 118/8 Functional [1] 12/3 functionalities [1] 154/9 functions [1] 228/7	fundamental [1] 182/21 fundamentally [1] 183/13 funded [1] 229/11 funding [4] 117/2 222/23 229/12 230/21 funnel [2] 183/11 184/11 further [18] 6/9 9/20 10/12 18/13 20/6 28/9 29/23 42/10 43/15 45/12 48/14 50/4 56/6 56/15 71/16 156/11 160/17 172/3 furtherance [2] 128/19 136/6 fusion [4] 193/12 219/24 222/1 224/13 future [11] 50/12 50/12 94/3 94/7 94/21 135/1 147/2 179/12 197/4 198/19 218/19 Futures [2] 9/19 36/6 G gain [1] 226/12 gaining [1] 96/15 game [2] 138/21 138/22 gamification [1] 136/21 gamified [2] 137/15 185/20 gaming [4] 139/15 149/17 153/22 183/19 gang [3] 74/5 206/7 207/8 gap [15] 81/21 82/3 95/11 95/18 95/18 106/3 112/8 113/18 146/4 146/14 148/20 233/13 233/20 234/2 234/3 gaps [14] 27/22 63/18 75/18 76/7 76/25 82/14 95/4 105/11 105/16 106/20 114/2 114/20 131/2 145/24 gate [1] 214/12 gated [1] 213/21 gather [1] 15/1 gathered [1] 161/11 gathering [4] 160/14 160/17 161/3 226/2 gave [3] 50/8 115/2 221/10 GCHQ [1] 220/12 GDPR [1] 160/25 general [10] 37/24 91/7 91/23 104/23 105/1 121/4 168/22 169/4 169/19 235/14 generally [8] 5/6 7/13 43/20 79/7 82/22	106/18 112/15 132/21 generated [1] 185/7 generates [1] 224/23 generating [1] 208/13 gently [1] 114/7 genuinely [4] 30/5 137/25 227/13 232/13 get [31] 83/2 89/11 95/9 117/3 118/3 119/2 127/14 135/23 147/20 151/2 157/14 160/18 165/14 165/19 165/21 171/23 172/12 183/25 184/12 194/18 195/12 210/9 210/25 214/12 214/20 223/9 224/3 226/7 226/10 228/13 230/13 gets [1] 201/16 getting [6] 111/6 157/20 168/8 178/8 235/18 237/8 girl [1] 137/9 girls [5] 13/24 129/1 132/14 138/25 139/3 give [22] 45/6 70/7 85/8 87/17 89/17 90/14 95/22 114/19 118/14 125/4 126/1 138/2 153/2 156/15 156/16 171/7 195/18 212/12 224/1 224/1 228/14 236/19 given [19] 20/2 39/25 59/21 85/17 85/18 90/13 93/25 159/23 174/21 182/19 182/25 184/20 185/24 193/23 209/22 220/9 220/23 228/16 232/1 gives [1] 25/7 giving [4] 93/11 139/3 155/24 160/15 glimpse [1] 85/10 global [3] 88/24 125/20 174/5 glorifies [2] 77/12 213/13 Gloucestershire [1] 3/8 go [36] 38/25 63/5 64/4 67/15 68/8 85/14 95/22 104/8 106/11 117/24 120/4 126/17 128/4 128/7 132/3 133/17 135/15 141/1 146/19 157/15 159/11 164/14 170/24 179/10 184/2 184/11 187/2 198/15 199/8 205/22 206/23 217/18 227/14 229/24 230/15 236/6 goal [2] 9/19 57/8 goes [4] 43/15 161/6 161/20 162/1
---	---	--	--	--

G	220/2 220/18 229/12 234/13 Government's [3] 3/5 9/19 36/6 governments [10] 174/3 174/16 175/11 175/15 191/22 193/8 218/13 222/12 222/14 224/3 graffiti [2] 131/20 141/25 grant [1] 86/3 granted [1] 57/17 graphic [4] 127/13 127/14 138/2 138/11 grateful [5] 91/5 91/8 142/13 204/24 236/22 gratification [1] 128/8 grave [1] 84/11 gravity [3] 3/3 19/8 115/14 great [4] 88/20 106/1 207/8 211/20 greater [6] 13/6 25/7 120/8 125/10 133/17 192/13 greatest [3] 73/5 211/5 228/2 greatly [2] 76/14 208/7 green [1] 48/18 Grenfell [2] 2/7 2/9 grief [1] 135/5 groom [1] 150/20 grooming [5] 137/22 137/22 137/24 138/1 159/10 grossly [1] 162/19 ground [2] 92/2 95/2 grounds [1] 158/15 group [32] 8/6 28/7 30/8 71/15 71/21 97/15 101/23 119/4 131/22 132/2 133/3 137/7 137/8 138/13 138/16 140/15 144/1 144/2 145/12 187/1 187/2 197/5 198/13 198/20 199/13 199/16 205/19 205/20 205/21 224/1 230/4 230/9 groups [30] 13/23 59/25 60/3 85/12 97/15 126/17 127/12 127/16 128/2 128/12 138/24 139/7 148/7 168/10 176/4 176/4 180/10 181/7 181/12 198/11 199/2 199/18 200/18 206/7 206/11 207/4 219/14 223/2 223/23 236/18 guardianships [1] 72/10 guess [2] 166/21	166/22 guesstimate [1] 210/11 guidance [31] 2/22 3/1 3/5 13/19 19/7 19/25 21/16 31/1 53/2 53/5 53/7 54/16 62/9 88/17 89/15 90/11 90/15 90/18 90/19 148/16 149/12 150/10 157/7 167/8 167/17 170/6 179/9 210/9 227/2 234/12 234/24 guys [1] 228/16	H hackers [1] 236/1 hacking [1] 95/14 had [49] 2/2 30/9 33/10 46/18 46/25 47/7 47/15 47/16 48/17 48/18 48/25 49/4 49/19 60/24 71/6 80/18 84/9 85/11 87/7 109/13 112/21 112/21 112/23 114/22 115/11 119/8 123/12 132/3 133/16 133/23 134/12 134/24 134/25 147/6 147/11 147/14 148/2 150/13 157/24 167/9 195/19 196/7 196/9 211/20 230/3 230/4 230/6 230/15 232/16 Hadley [20] 125/7 125/9 125/22 173/9 173/10 173/11 194/22 199/6 201/25 207/2 208/4 210/22 213/2 216/10 217/12 219/23 221/24 229/3 233/22 238/10 Hadley's [2] 201/12 233/6 half [1] 70/19 hand [4] 26/18 120/13 137/12 181/23 handed [1] 237/6 handle [2] 176/21 192/19 Hans [1] 124/25 happen [7] 28/25 44/3 89/5 107/19 109/16 116/23 121/1 happened [6] 35/5 85/25 92/20 162/11 230/18 232/16 happening [9] 84/12 89/9 98/13 151/10 187/21 195/17 195/17 196/12 209/10 happens [4] 4/20 89/8 168/24 237/11 happy [6] 62/15 64/2 83/17 87/14 218/10 231/15	Harakat [1] 180/10 harbour [4] 157/9 163/22 201/3 228/13 harboured [1] 47/3 hard [13] 120/4 132/25 170/11 182/15 183/5 184/12 186/10 188/1 203/2 211/19 212/24 214/23 224/3 harder [2] 77/15 222/12 harm [51] 6/9 7/5 15/6 15/11 21/4 32/17 42/3 42/24 43/9 45/16 46/5 47/14 47/14 52/6 52/24 53/16 54/12 57/3 60/5 61/25 62/3 63/14 63/21 68/12 73/5 74/6 78/9 78/10 81/15 81/16 82/19 82/25 83/6 128/18 128/22 129/3 130/4 131/5 131/12 136/3 136/18 138/3 138/5 140/20 153/13 189/8 189/8 189/13 234/5 234/23 235/10 harmed [1] 143/8 harmful [33] 73/9 73/12 77/9 77/13 77/15 77/20 77/25 78/2 78/22 124/12 127/21 127/23 128/5 128/6 128/20 134/15 134/17 135/13 136/4 136/9 137/20 142/10 150/20 155/3 158/16 163/9 194/15 213/18 213/18 215/20 216/25 227/15 232/5 harms [7] 82/24 124/16 137/14 166/14 186/19 201/9 228/20 has [166] 2/21 3/24 5/13 6/7 16/5 16/14 18/9 18/20 23/24 25/25 25/25 26/7 27/17 28/5 29/10 35/1 35/11 37/9 39/16 40/5 41/14 41/20 43/6 43/10 43/11 45/16 46/5 46/7 46/8 51/12 52/8 52/24 54/12 54/25 56/8 56/24 58/23 62/3 64/16 66/8 66/18 69/1 69/18 70/10 70/16 72/1 72/6 73/6 74/14 78/16 79/18 81/18 82/9 83/9 86/4 86/7 88/7 94/19 98/25 99/1 99/9 100/22 101/16 102/11 103/14 104/3 105/1 106/1 106/3 110/20 111/1 113/17 115/20 116/25 117/8 123/11	124/19 124/22 125/3 125/19 129/10 133/25 134/3 136/17 137/2 138/11 139/17 140/5 140/9 140/10 140/11 144/18 145/18 146/17 147/4 148/1 148/5 148/15 150/6 157/6 157/16 158/6 158/17 160/19 162/20 163/3 163/23 164/2 165/2 165/7 165/8 165/13 167/16 167/19 169/15 171/4 171/10 172/19 182/13 186/24 188/19 189/16 189/17 191/1 192/8 192/13 192/17 195/24 199/6 201/3 207/7 208/16 210/16 211/25 212/9 213/11 213/21 214/7 215/14 216/18 216/18 216/24 217/9 217/19 218/3 221/1 225/4 226/1 226/10 226/14 226/17 226/25 227/2 227/20 229/4 229/20 229/25 230/1 231/21 235/15 236/1 236/19 237/2 237/4 237/6 237/9 hash [5] 158/3 158/7 158/8 159/6 168/18 hasn't [1] 170/1 hate [3] 15/10 93/12 153/13 hate-based [1] 15/10 hatred [3] 134/21 134/22 134/22 hats [1] 99/11 have [437] haven't [4] 214/17 221/22 226/18 228/15 having [17] 26/10 26/20 56/3 68/16 92/17 97/7 109/22 120/2 184/18 196/2 197/14 198/6 222/9 223/21 228/11 229/13 234/4 HAYI [1] 180/10 hazard [1] 210/3 hazards [1] 154/11 he [46] 46/16 46/16 46/17 46/18 46/23 46/23 46/24 46/25 48/17 48/17 48/19 48/19 48/20 48/25 50/17 59/24 84/12 84/13 84/14 84/16 85/1 85/11 85/14 119/9 134/11 134/12 138/18 138/19 138/22 138/23 139/17 140/3 140/9 140/10 140/11 140/21 141/5 141/12 141/12 141/16 141/20
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H	174/17 176/17 178/20 187/18 191/13 192/25 195/18	hopping [1] 201/11 Horizon [1] 232/17 horizontal [1] 153/19 horrendous [1] 129/9 horrific [2] 149/4 149/6 horrified [3] 148/24 203/12 203/12 host [3] 155/2 174/11 177/8 hostile [6] 180/15 180/17 180/18 181/21 220/15 220/24 hosting [1] 183/23 hour [3] 84/3 171/9 171/15 hours [7] 84/20 90/2 168/25 169/8 169/14 169/15 169/16 house [2] 116/11 119/1 housed [1] 219/25 houses [1] 131/19 housing [2] 2/8 99/15 Houthis [1] 179/7 how [116] 4/18 4/21 16/15 30/1 30/2 30/13 34/9 38/22 39/24 40/3 43/3 46/18 55/11 55/15 58/3 59/20 61/11 81/17 94/20 95/8 97/5 99/20 100/5 104/12 108/23 108/24 109/5 109/7 110/11 110/17 111/3 113/25 116/11 116/19 117/9 119/8 119/11 120/6 120/10 120/15 120/17 120/25 121/10 121/12 127/1 127/3 130/18 133/2 133/13 134/10 135/13 135/16 135/22 137/8 137/18 146/15 147/13 147/21 148/1 148/6 150/8 150/18 150/20 152/1 152/1 152/8 156/11 159/11 172/14 175/4 175/6 181/2 181/3 182/11 182/13 182/17 184/16 184/20 187/7 188/6 190/12 190/20 190/21 191/16 191/23 192/18 193/18 197/3 197/10 208/8 209/7 210/3 210/8 210/24 214/6 214/9 214/14 214/17 214/24 215/15 216/4 217/13 217/18 218/21 219/2 225/21 226/11 230/16 231/20 232/10 232/20 233/7 233/8 233/10 235/20 236/11 however [34] 8/5 24/24 25/12 40/13 41/17 46/3 47/2 47/13	47/25 49/9 54/5 54/19 61/12 62/1 71/15 74/13 74/18 74/23 76/7 76/16 76/24 80/10 83/8 94/17 120/4 145/18 147/20 148/3 181/24 194/3 200/8 211/24 212/21 219/14 Hubs [1] 148/13 huge [6] 185/22 185/24 187/15 190/4 194/12 222/22 human [3] 125/22 178/2 178/2 hundreds [7] 177/4 177/7 186/11 202/11 209/1 212/11 222/7 hurt [1] 145/23 hurtful [1] 136/9 hybridisation [4] 65/24 81/15 83/1 131/6 hybridised [1] 130/12 hypothesis [1] 184/19	87/11 118/13 120/25 123/5 165/3 169/8 171/24 172/14 194/5 221/19 222/5 232/22 I extend [1] 207/2 I first [1] 195/11 I gave [2] 115/2 221/10 I get [1] 226/10 I go [3] 126/17 205/22 236/6 I got [1] 128/13 I had [2] 87/7 232/16 I have [49] 10/16 42/21 50/15 51/17 56/3 58/9 59/5 59/21 60/10 60/19 61/6 65/7 86/13 87/4 87/16 88/9 88/20 91/7 97/21 103/13 103/24 109/1 109/2 113/13 114/3 114/12 114/21 115/9 116/2 120/25 121/16 134/9 155/22 159/5 159/8 164/18 164/19 171/1 179/14 185/15 192/19 200/5 201/15 203/4 211/17 212/10 222/17 228/5 236/18 I haven't [3] 214/17 221/22 226/18 I hear [1] 228/19 I imagine [1] 91/1 I include [1] 138/2 I invite [3] 4/11 37/4 62/25 I just [9] 88/14 93/20 97/20 107/23 137/10 143/10 170/23 198/21 216/16 I know [8] 102/25 103/10 126/25 139/1 202/9 203/2 215/14 235/13 I lied [1] 168/19 I made [2] 118/10 219/9 I make [1] 40/15 I may [5] 86/18 104/14 112/16 115/19 233/25 I mean [4] 106/21 129/17 144/14 185/25 I meet [1] 120/6 I mentioned [14] 93/10 113/20 113/22 115/9 143/15 144/5 146/21 150/12 163/17 206/3 206/10 226/13 227/7 229/15 I might [1] 175/25 I move [2] 110/4 131/14 I must [1] 61/18 I noticed [1] 148/23 I now [1] 125/24
----------	--	--	---	---

I	203/16 204/7 204/8 204/14 207/8 208/12 211/8 213/19 214/2 215/10 216/5 216/20 216/23 217/7 217/9 217/16 220/17 220/23 220/25 222/11 222/19 224/3 224/20 226/13 226/19 228/5 229/25 230/13 230/15 231/1 231/12 232/4 232/25 233/3 233/12 234/17 235/25 I touch [1] 56/6 I turn [5] 42/21 46/12 52/2 58/2 111/17 I understand [4] 88/8 88/10 117/22 235/25 I want [10] 59/18 88/15 113/8 123/9 139/19 198/9 213/5 237/1 237/3 237/12 I was [3] 104/19 107/15 187/14 I will [40] 1/12 11/18 12/13 36/24 40/14 46/14 48/15 59/23 67/9 67/15 87/20 91/15 98/21 110/12 126/23 126/23 127/5 127/8 127/14 128/7 138/7 146/19 152/18 152/23 173/4 173/12 173/14 173/16 177/19 180/6 189/2 194/25 200/22 210/5 219/23 226/9 227/19 228/3 231/2 237/19 I won't [1] 179/10 I would [58] 63/22 64/2 64/3 88/23 88/24 90/14 90/18 91/8 92/22 98/11 98/18 99/8 103/16 104/15 112/14 116/17 121/6 153/10 174/10 176/10 177/20 177/22 181/22 182/24 189/3 189/15 190/14 192/13 192/23 193/1 193/5 193/11 193/20 194/3 194/5 194/8 194/15 200/12 200/23 202/21 204/15 204/20 207/15 208/20 210/1 210/3 212/12 212/15 218/20 220/17 222/19 223/18 225/7 225/15 225/20 229/5 229/10 234/1 I'm [76] 26/18 30/9 62/15 63/3 64/1 64/1 67/13 67/13 83/17 84/6 86/4 87/13 91/5 95/13 95/24 98/1 100/11 100/24 102/5 103/1 103/11 103/12	103/12 104/2 104/14 107/14 108/25 109/1 112/15 114/7 115/17 115/18 122/23 126/7 126/7 126/8 126/10 128/3 135/24 139/18 142/13 142/18 153/2 153/8 168/6 168/20 173/11 184/20 198/21 198/22 200/2 203/17 204/24 204/25 208/2 209/5 213/4 215/10 216/12 218/12 219/22 221/8 221/22 226/18 228/24 228/25 234/9 234/11 234/11 234/23 235/4 235/7 235/19 235/22 235/22 236/21 i's [1] 161/6 I've [1] 235/9 icons [1] 68/9 idea [13] 48/20 88/18 116/24 154/21 155/3 161/22 162/25 163/10 166/16 170/11 170/12 184/13 224/12 ideas [3] 177/19 181/14 186/13 ideating [1] 189/7 ideation [2] 191/8 230/7 identifiable [3] 49/4 61/8 61/13 identification [10] 6/19 14/11 14/12 35/17 66/15 66/16 68/4 76/9 80/4 207/16 identifications [1] 66/16 identified [24] 7/1 11/13 15/21 16/12 17/24 22/4 28/5 30/22 35/23 43/9 61/6 63/17 68/16 69/18 81/16 95/18 112/8 116/16 118/18 138/8 140/11 147/1 199/18 201/9 identifiers [1] 206/8 identifies [1] 23/20 identify [43] 7/17 13/11 14/8 27/15 32/6 35/13 42/10 43/18 45/18 59/14 60/22 63/20 63/25 68/3 68/10 71/16 73/3 78/8 80/1 95/6 114/10 118/13 122/7 132/13 133/6 137/17 142/5 142/20 145/5 145/11 150/1 155/10 191/5 196/19 199/18 200/1 207/13 224/14 225/8 231/10 232/5 236/9 236/11 identifying [16] 4/6 13/12 28/6 30/13	30/15 47/17 55/24 66/25 67/19 72/14 146/6 149/20 152/4 196/9 225/23 228/5 identity [4] 70/16 122/18 181/15 207/25 ideological [9] 40/10 41/10 45/25 48/12 51/14 112/19 112/20 115/4 131/16 ideologically [1] 115/4 ideologies [2] 57/6 128/21 ideology [29] 37/14 40/7 43/15 47/4 47/25 49/4 49/10 50/21 51/9 53/15 60/7 60/23 62/12 76/22 81/18 113/19 128/7 128/19 130/23 135/10 135/25 136/4 136/6 136/10 190/25 191/1 205/9 205/11 205/12 ideology-type [1] 136/4 if [131] 18/19 31/2 38/21 41/21 43/2 47/7 47/14 49/4 50/2 50/25 53/18 55/1 56/22 64/13 64/15 64/20 69/19 74/12 75/15 75/17 84/8 85/25 86/18 88/4 88/9 88/23 88/25 90/21 91/24 92/1 92/6 92/8 92/25 93/11 94/4 94/12 94/13 95/10 96/16 97/17 98/21 99/12 100/25 101/7 101/8 101/21 103/11 104/2 104/5 104/9 104/9 104/14 108/25 109/1 109/6 109/10 109/13 109/21 110/8 110/10 111/11 111/15 111/25 112/2 112/16 113/9 114/11 114/13 114/16 115/1 115/19 116/14 118/3 119/3 122/23 131/4 134/10 141/1 145/18 147/17 153/14 155/5 157/9 158/14 161/15 164/15 164/21 165/16 168/11 170/18 171/3 172/14 175/12 179/3 183/25 184/10 184/12 188/4 189/7 191/25 197/17 198/12 198/25 199/17 204/5 205/25 213/9 214/10 214/13 217/4 219/11 219/25 221/18 221/24 223/11 224/1 225/8 225/24 227/13 228/24 229/15 230/22 230/22	231/12 232/16 232/17 233/5 233/25 235/8 235/15 235/15 ignorant [1] 167/1 illegal [10] 154/14 154/15 157/18 158/18 162/8 163/1 165/6 167/7 175/22 179/25 illegality [1] 167/12 illustrate [6] 11/14 33/23 34/9 46/12 148/18 186/22 illustrates [2] 15/7 148/25 illustration [1] 138/2 image [9] 138/11 139/2 139/6 153/5 158/9 168/7 169/25 170/4 170/12 image-based [1] 138/11 imagery [6] 136/7 138/11 139/9 141/17 141/19 142/6 images [8] 61/1 126/2 138/10 139/10 139/13 140/11 140/22 170/5 imagine [8] 88/6 91/1 174/20 182/24 190/14 194/3 212/12 231/11 immediate [2] 52/22 110/15 immediately [1] 158/21 imminent [1] 13/12 impact [14] 32/21 39/5 44/24 53/15 58/21 77/6 81/5 97/12 152/5 164/13 201/2 204/7 216/17 228/2 impactful [3] 107/2 161/25 162/2 impacting [3] 3/2 120/22 165/1 impacts [1] 39/10 impetus [2] 42/5 89/17 implement [2] 95/4 210/8 implemented [2] 80/24 81/3 implication [3] 8/12 29/1 51/24 implications [1] 120/8 implicit [1] 111/9 implying [1] 61/19 importance [8] 38/1 93/3 183/1 208/5 215/3 220/23 229/5 232/12 important [61] 6/22 7/4 8/14 8/23 9/2 13/6 13/17 14/7 18/2 19/12 22/8 23/12 26/1 33/18
----------	--	--	---	---

I	18/22 73/11 129/3 132/20 148/8	109/2 109/10 112/1 117/15 119/4 121/6 121/11 169/18 211/23 230/6 230/8 234/4 235/11	200/16 201/14 201/16 201/22 215/24 226/2 226/5 226/12 226/16 227/4	20/23 42/3 70/7 203/7
important... [47] 34/17 39/12 40/3 42/12 44/18 49/19 54/9 54/19 62/15 63/15 68/23 79/12 80/7 93/5 94/8 94/17 101/10 101/22 117/14 117/17 127/2 131/11 131/15 131/25 135/25 138/5 140/4 140/12 142/15 143/1 144/11 146/21 148/22 149/23 155/23 157/6 157/12 176/22 182/5 182/8 184/20 190/9 192/24 206/15 208/1 212/16 212/20	including [24] 2/4 3/2 4/9 7/9 11/21 20/21 24/6 25/4 39/3 47/9 51/22 58/17 59/15 60/25 69/20 72/13 82/20 93/8 124/21 124/23 125/14 153/16 183/8 211/12 incognito [1] 75/11 incomplete [1] 27/21 inconsistency [1] 171/12 inconsistent [1] 167/24 inconveniently [1] 164/9 incorporated [1] 90/12 increase [6] 12/5 13/21 77/6 77/7 118/21 198/1 increased [2] 151/24 229/6 increases [1] 79/16 increasing [4] 65/24 82/25 83/6 104/22 increasingly [6] 66/1 82/19 84/16 127/21 174/21 223/21 incredibly [1] 133/14 indecent [2] 61/1 140/22 indeed [15] 43/9 47/4 50/14 62/17 91/19 103/8 109/1 117/18 152/12 173/1 173/4 194/21 200/20 211/19 218/23 independence [1] 38/1 Independent [1] 56/12 indicate [4] 6/9 87/22 90/3 90/8 indicated [2] 45/22 86/14 indicates [1] 162/9 indication [1] 195/18 indications [1] 15/13 indicator [2] 15/16 206/2 indicators [6] 10/5 15/8 97/3 97/14 205/1 205/5 individual [44] 14/16 26/24 29/6 30/1 32/6 41/23 41/25 43/7 43/13 43/16 44/19 44/23 46/7 49/22 56/24 58/11 65/6 68/16 69/7 78/14 80/18 80/21 82/6 83/3 86/3 94/4 94/21 97/8 97/11 104/7 104/12	individual's [1] 41/23 individualised [3] 25/19 107/1 107/7 individually [1] 20/23 individuals [54] 1/8 37/13 39/15 39/22 40/6 40/6 52/12 57/9 63/11 63/22 66/7 67/8 68/21 70/1 73/8 74/9 74/11 75/13 76/11 76/15 77/23 78/5 78/19 80/22 82/4 82/13 82/17 95/25 102/17 105/14 129/18 131/17 138/8 142/21 147/11 166/18 181/25 182/6 182/18 182/22 186/12 186/14 187/24 190/6 190/15 190/21 191/6 191/14 205/19 209/20 225/11 234/20 234/22 235/1 industry [9] 69/25 73/11 78/7 124/11 145/9 147/8 149/14 149/24 232/12 ineffective [2] 71/14 113/22 infamous [2] 45/23 225/10 influence [4] 134/18 144/4 204/23 208/9 influenced [2] 134/24 146/3 influences [1] 134/25 inform [6] 13/15 15/21 68/7 93/3 149/23 209/15 informal [11] 6/10 6/13 6/14 6/17 12/22 18/15 18/21 69/13 73/14 159/18 216/24 information [67] 13/9 13/22 14/6 14/13 15/1 15/24 19/12 22/7 23/19 24/10 27/5 27/17 27/18 28/17 29/2 30/2 30/25 32/24 33/2 33/12 34/18 34/25 35/23 36/12 39/9 58/15 58/16 58/19 66/12 72/25 73/2 77/18 79/12 79/23 81/12 108/24 109/2 109/6 109/12 121/25 130/15 144/7 144/19 145/5 145/6 160/15 160/17 161/3 161/8 161/11 161/13 175/3 177/24 180/14 180/23 182/22 193/2	informed [11] 10/19 16/7 21/20 22/1 23/19 24/1 25/18 48/17 55/13 58/16 77/22 informing [1] 215/12 initial [5] 9/7 57/13 92/13 122/7 196/21 initially [4] 35/18 50/23 60/9 213/6 initiatives [1] 2/1 Injunction [2] 74/5 74/6 innocent [1] 172/23 innocently [1] 50/25 inordinate [1] 134/8 input [4] 52/3 100/9 100/9 100/22 inputs [1] 91/13 Inquiries [1] 125/4 Inquiry [17] 37/7 37/7 40/4 40/5 42/14 54/22 62/15 87/15 87/22 99/9 114/8 115/20 124/3 237/5 237/12 237/14 237/21 Inquiry's [4] 1/7 22/9 39/22 54/11 inscrutable [1] 211/7 insight [1] 56/9 insignificant [1] 61/21 insofar [2] 199/17 219/4 inspired [1] 182/2 Instagram [1] 184/10 instance [3] 85/19 90/2 109/18 instances [3] 41/11 54/5 76/17 instead [6] 28/15 42/17 56/1 60/21 203/6 208/20 instructions [1] 139/3 instrumental [2] 176/19 176/20 integrate [1] 121/12 integrated [1] 31/13 intelligence [37] 64/7 64/22 69/24 72/22 109/12 109/19 109/20 122/16 125/15 143/12 144/22 175/4 175/17 176/1 179/16 179/16 180/25 182/23 187/8 192/25 193/5 193/12 193/15 194/4 194/10 200/8 203/25 204/12 205/14 219/24 220/2 220/6 220/11 221/11 225/6 229/11 230/20 intended [5] 11/16	intensification [1] 150/15 intensity [2] 20/20 22/6 intensive [7] 20/21 20/22 22/14 22/24 23/1 25/3 85/11 intent [10] 42/2 76/12 80/11 189/8 212/5 216/7 230/7 230/11 234/5 234/23 intention [3] 46/9 47/18 51/13 interact [1] 109/5 interacting [2] 224/5 224/5 interaction [1] 211/6 interchangeable [1] 186/20 interconnectedness [1] 228/6 interest [39] 9/23 19/2 19/3 19/21 21/6 24/19 38/24 39/1 39/3 44/16 44/21 53/19 54/2 54/6 55/10 55/12 56/2 61/14 62/6 64/12 64/13 64/16 72/11 72/13 72/18 72/19 82/9 92/10 96/14 114/8 128/19 136/15 149/22 155/22 172/20 191/6 219/3 231/17 231/25 interested [5] 88/25 126/15 193/20 219/20 225/20 interesting [9] 133/25 136/11 138/19 139/21 141/24 147/4 147/10 151/5 169/21 Interestingly [1] 169/1 interests [3] 9/16 15/12 53/23 interim [1] 160/15 international [14] 3/17 3/25 69/24 125/6 140/14 140/17 143/24 144/6 144/8 144/12 149/10 172/17 196/22 197/7 internationally [6] 126/21 143/25 151/22 179/17 188/7 229/19 internet [57] 108/4 108/7 124/14 124/16 124/21 124/24 125/21 140/15 146/15 147/14 165/21 172/7 173/23 173/24 174/8 175/2 175/7 176/15 176/18 177/12 179/22 180/6 180/16 181/19 182/9 182/11 182/13 182/17

I	36/5 37/17 49/14 52/3 54/11 55/17 56/9 56/20 59/8 68/8 72/10 77/7 78/6 78/17 89/12 90/7 91/24 92/9 94/2 94/7 94/15 97/24 100/25 109/11 109/16 111/7 113/9 118/3 120/4 123/11 125/2 129/3 129/4 133/17 134/6 135/10 135/10 135/13 135/15 137/19 138/25 139/5 140/3 140/20 143/16 145/13 146/7 146/19 154/9 154/14 157/22 162/6 162/6 163/8 164/3 164/12 164/15 164/20 165/6 167/16 172/4 172/16 179/7 179/10 179/14 181/8 181/20 187/2 187/21 189/13 190/22 190/22 195/16 198/3 200/10 206/5 207/15 210/7 215/1 219/10 230/12 237/4 into illegal [1] 165/6 introduce [8] 1/12 56/13 76/25 84/8 94/18 149/25 173/14 198/10 introduced [2] 56/19 213/12 introduction [2] 142/13 198/17 Introductions [4] 1/5 123/21 238/3 238/7 intrusion [2] 4/10 95/16 intrusive [2] 102/16 113/15 invariably [1] 52/20 investigate [2] 130/18 148/7 investigated [1] 37/20 investigating [1] 226/3 investigation [20] 44/9 49/14 59/7 59/11 60/15 61/11 81/7 104/11 109/24 122/13 143/6 145/22 157/22 160/12 160/14 161/7 197/8 199/20 199/23 210/16 investigations [17] 4/9 38/4 74/25 82/16 103/3 130/14 133/20 142/24 144/7 144/20 151/23 151/25 160/8 186/7 196/17 210/17 233/16 investigative [7] 43/6 43/23 43/25 52/9 59/4 148/5 201/17	investigators [3] 73/3 130/8 130/17 invitation [1] 37/9 invite [5] 4/11 37/4 62/25 125/24 152/23 invites [2] 52/2 58/7 inviting [1] 103/1 involve [6] 16/2 28/1 66/2 99/11 130/17 214/6 involved [28] 28/22 43/3 52/7 54/20 62/8 74/24 79/11 86/15 86/16 87/3 97/22 102/13 111/13 128/13 130/3 130/20 130/21 132/10 133/4 133/23 138/4 141/2 141/20 146/2 148/9 148/13 149/8 237/14 involvement [17] 5/8 5/18 11/21 15/10 28/13 32/23 33/10 34/10 43/11 43/20 45/13 57/10 61/7 87/1 206/11 206/12 206/13 involves [1] 6/13 involving [6] 4/9 42/9 42/14 70/13 82/23 115/24 Iranian [1] 180/14 Ireland [2] 134/9 134/11 ironically [1] 189/18 irrecoverable [1] 170/20 irrelevant [1] 41/18 irrespective [2] 38/21 47/11 is [1106] ISIS [9] 136/7 177/6 177/12 178/5 184/1 185/25 188/12 204/13 222/4 Islamia [1] 180/11 Islamist [2] 176/3 176/6 isn't [19] 100/18 101/25 111/19 119/23 121/10 140/14 146/16 156/10 179/24 179/25 188/8 190/5 192/4 195/17 204/10 204/11 207/11 208/11 234/25 isolated [1] 203/24 isolation [4] 32/14 34/14 53/2 106/16 ISS [2] 23/1 25/8 issue [12] 18/21 27/18 33/5 36/18 62/15 91/16 92/24 111/18 122/23 209/24 215/5 229/23 issued [8] 6/14 148/11 148/15 149/14 150/2 150/4 217/3	227/2 issues [12] 3/20 11/24 59/6 92/1 125/3 129/2 130/20 132/18 141/1 153/5 163/16 232/17 it [535] it's [15] 88/18 126/16 137/12 138/21 141/1 150/13 150/25 157/24 161/11 166/14 179/12 187/10 187/15 211/8 217/22 Italian [2] 230/16 233/24 Italy [3] 140/13 230/8 230/14 item [1] 156/5 items [2] 50/25 159/22 iteration [2] 158/20 167/13 its [33] 10/18 13/3 20/9 24/17 26/8 26/14 33/10 41/13 45/15 59/22 102/15 103/2 149/19 157/10 161/2 161/3 161/12 163/18 163/19 165/2 166/4 168/17 169/2 176/22 178/19 179/11 201/17 212/3 218/16 220/12 220/14 224/23 225/16 itself [9] 18/4 21/24 25/13 90/3 97/10 105/3 118/9 160/9 227/1	232/3 Judgements [1] 167/8 judicial [4] 161/2 217/10 217/20 226/14 jump [1] 111/14 jurisdiction [3] 79/21 175/23 189/1 jurisdictions [4] 75/1 140/17 144/8 175/6 jury [1] 41/22 just [90] 33/23 34/13 41/25 65/7 67/9 67/13 67/15 84/7 85/10 87/8 88/14 88/20 88/24 93/20 93/20 96/6 96/10 97/20 98/17 98/23 103/11 104/4 104/15 107/23 116/17 118/12 121/3 121/10 126/11 127/12 131/14 133/1 134/22 135/5 135/24 137/6 137/10 139/12 140/14 141/21 143/10 145/20 155/18 158/8 159/6 162/17 163/11 164/9 168/1 169/1 169/19 169/23 170/23 171/1 171/2 184/1 186/5 186/16 186/22 187/6 187/11 187/14 189/5 193/4 194/10 195/10 195/12 198/10 198/21 198/23 202/12 204/16 204/23 208/17 208/18 210/6 210/7 215/12 216/12 216/16 216/21 222/15 228/8 229/1 229/11 234/6 234/9 235/4 235/7 235/22 justice [109] 1/14 1/16 2/2 2/10 2/14 2/20 3/4 3/6 3/7 3/9 4/18 4/23 5/1 5/2 5/5 5/7 5/13 5/18 5/25 6/3 6/14 6/16 6/20 6/22 8/3 8/5 8/9 9/6 9/14 10/1 10/6 10/25 11/15 11/23 12/25 13/2 14/8 14/10 14/21 15/23 16/14 16/25 17/2 17/4 17/11 18/22 18/24 19/6 19/9 21/18 23/20 26/5 26/21 27/3 28/13 29/6 29/11 29/15 30/8 31/15 32/4 32/7 34/20 35/10 35/16 35/16 36/5 36/18 38/3 38/11 43/4 43/8 51/23 52/3 53/24 55/19 56/16 61/23 69/5 69/20 72/5 74/8 79/9 84/24 88/5 90/16 90/17 90/21 96/22 99/1 99/9 99/16 99/19 99/21 100/10
----------	---	---	--	--

J justice... [14] 100/12 101/14 104/16 105/25 108/25 110/1 110/13 110/16 110/17 115/19 119/24 121/16 147/1 233/8 Justice Board [17] 1/14 1/16 2/2 2/10 2/14 3/6 32/4 84/24 88/5 90/17 96/22 104/16 108/25 110/13 115/19 121/16 233/8 Justice Boards [1] 110/1 Justice Service [15] 5/25 6/14 6/20 8/5 12/25 15/23 17/2 17/4 17/11 18/22 18/24 29/11 35/16 99/21 100/12 Justice Services [17] 2/20 3/9 4/23 5/5 5/13 6/3 6/16 8/9 11/15 14/8 14/10 19/6 27/3 30/8 32/7 35/16 99/19 justice system [12] 6/22 10/1 10/6 11/23 16/25 35/10 36/5 43/8 53/24 55/19 56/16 147/1 justified [3] 192/9 203/19 222/18 juveniles [2] 70/20 70/25	89/7 89/17 100/4 100/5 105/7 107/6 110/15 127/24 128/7 128/8 128/20 128/25 129/9 129/9 129/11 129/14 130/14 130/22 130/24 131/2 131/4 131/5 131/19 131/24 132/7 132/20 135/5 136/11 137/10 137/13 137/14 137/20 139/3 141/4 141/6 141/7 141/19 145/18 146/6 146/19 147/1 147/16 148/25 149/7 150/19 151/2 151/16 151/16 178/4 184/19 185/12 186/20 187/6 187/18 188/22 196/13 196/20 196/21 197/2 198/13 198/20 200/13 206/7 206/15 211/7 223/24 232/4 232/21 232/23 232/24 kind of [1] 150/19 kinds [2] 128/21 187/3 King's [1] 51/14 Kingdom [1] 198/25 knife [4] 3/5 11/25 47/17 74/2 knives [3] 46/24 48/18 58/1 knock [1] 198/15 know [60] 30/19 81/12 83/6 85/4 85/6 102/25 103/10 105/23 105/23 106/23 106/24 107/1 110/20 119/23 120/25 125/25 126/25 134/14 139/1 143/4 165/3 168/4 169/8 172/14 180/21 183/6 184/10 184/10 184/18 184/21 185/3 185/20 186/5 186/18 186/19 188/1 188/4 189/14 192/11 193/20 194/5 197/25 202/9 203/2 208/17 208/18 215/14 218/3 219/2 225/13 225/13 225/20 225/22 232/7 232/8 232/22 233/15 234/6 234/8 235/13 knowing [8] 148/19 184/18 186/4 187/16 188/9 207/18 209/4 230/24 knowledge [1] 205/8 known [17] 12/18 14/9 30/23 32/24 35/18 43/24 64/12 64/13 64/19 68/5 115/22 128/9 128/10 131/5 141/10 149/17	150/5 knows [1] 235/2 L label [13] 15/15 42/16 92/21 93/1 93/12 93/16 93/22 94/8 94/20 96/25 97/10 139/4 235/9 labels [3] 93/9 94/10 94/18 lack [5] 36/18 36/19 96/21 170/14 205/8 lacuna [1] 51/16 laden [1] 108/4 laid [1] 49/13 landscape [3] 98/14 173/17 181/5 Langley [4] 2/14 2/16 3/7 4/11 language [9] 95/14 126/12 126/14 126/16 126/18 141/12 196/23 196/24 199/24 large [10] 84/16 120/15 185/4 194/1 196/23 208/13 211/4 211/12 211/13 214/10 largely [3] 129/20 181/12 187/20 larger [1] 211/18 largest [2] 155/20 204/18 last [19] 89/25 118/24 126/10 133/9 133/17 151/8 158/20 166/10 168/5 170/8 175/9 179/6 189/16 209/1 222/3 230/3 233/3 233/23 236/8 late [1] 143/5 later [7] 56/20 62/16 90/21 98/22 135/15 175/25 180/7 latter [1] 37/16 Laura [2] 146/5 151/8 law [54] 3/13 37/20 38/4 67/3 67/22 76/14 124/10 124/14 124/15 126/19 126/24 127/2 127/7 127/22 127/25 130/5 133/10 136/24 142/18 143/11 143/17 144/1 144/15 145/17 146/12 148/6 149/19 151/11 151/21 152/8 157/1 159/15 160/24 164/13 168/2 170/25 171/22 179/17 188/21 188/23 191/5 197/5 200/14 203/3 205/15 217/17 217/18 218/21 219/5 219/12 224/16 229/21 231/14 234/13 lawful [1] 202/25 laws [4] 1/9 37/12	91/10 123/24 lawyer [1] 203/18 lawyers [1] 40/22 lead [17] 14/16 28/16 29/3 31/6 31/22 34/21 36/16 84/22 97/13 109/24 110/23 122/5 122/12 122/16 122/18 124/5 128/14 leaders [2] 100/5 199/18 leadership [4] 2/3 2/12 144/3 196/25 leading [4] 1/20 80/3 81/4 198/16 leads [5] 2/17 78/24 105/10 124/7 135/7 learn [2] 12/6 133/12 learned [1] 202/4 learning [9] 30/9 31/20 33/24 34/23 35/8 36/11 97/4 113/8 219/19 least [4] 51/15 85/13 200/24 215/9 leave [4] 1/12 82/1 123/15 165/16 led [9] 2/8 2/21 3/24 33/14 33/20 35/1 81/7 157/16 169/25 left [1] 106/3 legal [23] 1/9 3/19 5/17 18/3 26/9 39/24 42/23 46/11 51/19 58/6 59/6 59/12 62/11 69/19 72/5 72/14 80/8 172/23 218/15 222/24 224/19 227/18 235/5 legalistic [1] 228/12 legislation [22] 5/17 5/24 22/17 39/18 41/6 41/12 45/19 47/20 51/20 51/24 56/13 103/21 113/21 113/24 114/21 139/22 141/7 153/4 172/19 181/11 195/15 195/20 legislative [6] 21/16 69/2 87/6 88/1 114/2 201/19 legitimate [1] 70/14 Lego [1] 138/21 lends [1] 118/9 length [1] 20/20 Lengthy [1] 82/16 lens [1] 16/7 less [5] 26/15 34/9 36/18 149/21 194/3 lesson [1] 33/17 lessons [1] 218/24 let [4] 47/14 185/2 185/5 229/18 let's [2] 88/6 190/2 lethal [1] 48/22 letters [1] 129/4 level [24] 16/20	16/20 20/21 39/4 54/17 58/25 68/17 72/9 96/24 97/8 98/7 99/21 100/17 107/16 116/19 120/6 121/7 121/8 121/8 121/9 138/3 221/25 224/15 224/15 levels [5] 47/5 136/3 165/13 179/22 179/22 levers [1] 235/5 Liaison [2] 3/18 3/23 lied [1] 168/19 lies [1] 200/23 life [7] 17/19 17/19 39/8 47/23 60/4 175/9 175/10 lifetime [2] 76/1 146/24 light [1] 39/9 like [36] 63/22 64/3 96/23 97/16 99/8 104/15 107/21 112/14 116/17 116/24 131/19 136/21 138/21 153/16 154/2 155/12 155/25 158/4 160/11 162/19 164/22 166/19 172/1 185/1 185/3 186/23 195/9 198/25 200/13 213/9 218/11 220/2 223/1 227/6 228/1 236/4 likelihood [1] 7/7 likely [11] 27/8 45/15 47/8 48/8 103/17 122/10 167/14 172/12 178/18 214/6 235/1 limb [1] 39/10 limit [2] 165/3 221/14 limitation [3] 25/24 26/8 80/20 limitations [4] 24/13 76/16 80/16 91/9 limited [24] 8/20 27/23 29/14 33/7 39/3 48/10 82/1 111/24 112/7 131/16 150/25 151/1 152/2 152/3 152/4 156/10 156/23 157/4 158/6 158/13 182/23 217/14 220/7 220/19 limiting [4] 56/15 57/23 214/2 228/2 line [8] 5/3 5/5 6/4 103/22 105/8 142/22 181/22 233/11 lines [2] 91/3 153/19 link [1] 142/8 linked [6] 18/13 24/4 60/23 132/4 157/9 233/11 linking [1] 118/4 links [1] 77/9 list [8] 128/4 154/11
--	--	--	--	--

L list... [6] 162/7 162/14 172/8 201/1 213/8 231/12 listed [3] 17/3 17/14 162/15 listening [1] 228/25 lists [1] 128/3 literacy [1] 77/23 literature [1] 197/16 litigated [2] 161/1 218/17 litigation [1] 164/2 litigious [2] 160/23 218/5 little [8] 98/9 105/20 116/17 126/12 146/19 150/13 161/15 216/20 live [2] 123/19 232/9 lives [6] 134/8 135/20 138/18 141/23 173/25 232/10 living [1] 135/2 loads [1] 212/4 local [25] 1/24 2/8 7/13 8/17 10/3 11/9 11/17 16/2 27/13 64/7 66/24 67/18 73/16 79/6 99/21 100/16 107/16 116/18 117/11 121/7 121/10 142/5 143/25 145/2 148/14 locally [6] 9/18 10/13 13/4 29/16 36/9 117/10 located [2] 49/21 200/15 locations [2] 47/1 47/17 lockdown [1] 134/4 logic [1] 171/19 logos [1] 207/12 London [3] 3/9 124/19 173/21 London's [1] 190/10 loneliness [2] 133/20 134/2 long [12] 57/21 80/15 82/10 83/15 86/4 135/20 141/13 152/15 153/3 223/16 227/14 231/12 long-term [3] 80/15 82/10 83/15 longer [2] 34/11 60/16 look [48] 7/8 32/5 42/18 73/12 75/18 77/4 85/11 92/19 92/25 93/23 94/8 95/22 96/5 96/11 99/20 104/4 104/6 104/12 109/21 122/9 131/11 132/19 137/18 139/20 141/4 142/24	144/9 151/14 151/15 156/10 162/3 164/22 164/25 165/13 193/10 198/5 199/15 200/13 203/16 209/6 210/5 228/3 228/14 228/24 231/7 232/16 232/17 236/4 looked [3] 85/9 89/21 231/9 looking [41] 2/23 32/14 84/19 87/5 90/3 94/1 96/2 97/4 97/11 103/22 104/25 111/25 112/9 131/7 137/21 144/19 146/6 152/6 157/2 159/24 160/3 160/4 161/15 165/4 192/10 192/10 194/9 197/2 197/6 197/10 205/10 207/3 207/12 213/17 214/2 214/10 221/5 228/20 231/1 231/8 236/11 looks [3] 107/21 186/23 197/16 loops [1] 187/4 LoreBooks [2] 136/20 136/22 Lorna [3] 124/13 152/25 238/9 lost [1] 19/18 lot [18] 84/18 116/22 123/11 134/5 158/10 161/24 163/14 163/20 168/10 172/23 178/20 179/14 188/14 203/19 206/18 212/17 228/20 232/8 lots [6] 130/25 133/9 140/6 163/18 163/19 231/16 Louise [1] 185/13 love [2] 90/14 232/6 Lovely [1] 91/5 low [2] 106/11 217/4 lower [6] 16/20 16/20 18/23 44/19 50/1 53/17 lurking [1] 146/2 M machines [1] 75/8 made [33] 18/23 19/15 34/7 41/9 43/21 43/23 44/11 45/1 45/11 46/16 48/25 56/22 64/24 65/1 65/4 65/21 75/20 97/21 101/17 102/24 104/17 106/15 118/10 136/12 140/9 148/5 158/17 168/17 171/5 201/23 205/23 219/4 219/9 magazines [1] 178/5 magic [1] 231/1	magnitude [1] 220/9 main [12] 24/17 38/3 60/7 81/21 132/7 149/15 154/21 155/16 175/23 193/24 198/17 199/19 mainly [1] 176/7 mainstream [1] 214/20 mainstreaming [1] 228/21 maintain [5] 29/3 30/24 33/13 34/22 82/13 maintaining [2] 28/24 66/14 major [4] 175/12 177/21 178/11 204/17 majority [8] 49/2 63/16 68/23 182/6 187/9 205/7 207/9 223/4 make [46] 27/14 38/9 38/13 40/15 44/13 46/19 46/24 50/19 57/1 69/18 70/8 85/18 97/2 98/18 108/24 109/11 110/19 113/3 116/7 116/8 120/3 120/22 120/25 121/10 122/15 122/24 133/1 133/13 133/22 134/5 146/15 151/12 161/5 165/14 166/20 170/3 171/4 196/13 199/4 202/2 202/17 204/9 210/12 223/8 223/14 232/12 makes [3] 162/3 191/19 214/12 making [23] 19/5 19/8 19/10 20/11 77/15 77/22 89/20 97/10 101/25 119/16 140/22 141/15 160/11 165/18 167/10 178/5 188/12 205/17 206/19 211/21 213/11 227/17 237/11 male [19] 46/14 46/15 46/15 47/3 47/7 47/13 47/16 48/2 48/4 48/16 48/16 49/3 49/11 49/14 49/17 50/17 59/24 60/8 60/23 male 1 [8] 46/15 46/15 47/3 47/7 47/13 47/16 48/2 49/11 male 1's [1] 48/4 male 2 [4] 48/16 48/16 49/14 49/17 male 3 [2] 59/24 60/8 male 3's [1] 60/23 malware [2] 130/2 133/5	man [2] 135/2 141/13 manage [13] 18/4 21/25 24/9 35/14 43/19 52/4 63/20 79/15 93/10 114/17 121/13 147/22 197/20 managed [11] 5/9 6/15 18/24 29/16 63/13 66/13 78/16 81/10 104/12 119/8 132/16 management [36] 2/21 5/14 14/25 15/22 17/13 19/7 19/25 25/23 26/2 39/14 40/21 52/11 55/7 56/10 61/24 68/11 68/12 73/14 75/23 76/2 76/4 78/18 79/23 80/15 81/22 82/11 83/15 93/13 93/18 94/11 94/21 114/18 117/21 118/8 122/1 146/24 management function [1] 118/8 manager [2] 4/4 94/23 manages [2] 59/8 65/6 managing [15] 17/24 33/18 39/18 56/7 56/14 63/6 76/15 76/21 77/3 78/15 79/16 81/12 100/12 114/5 117/4 mandated [4] 12/19 12/21 13/3 174/6 mandatory [3] 17/19 19/20 213/23 manifesting [1] 105/3 manners [1] 121/11 manosphere [2] 134/19 134/25 manual [3] 46/22 48/7 188/13 manually [1] 211/15 manuals [1] 178/5 many [38] 10/7 20/14 24/15 66/2 67/8 76/13 78/17 80/7 84/20 84/20 91/19 100/4 101/2 106/10 124/23 176/17 177/3 179/11 183/17 184/25 186/9 186/21 187/3 188/23 190/6 191/8 192/1 192/3 207/23 208/15 209/19 209/23 211/17 211/21 218/9 222/5 222/13 229/19 map [3] 185/4 186/11 187/6 MAPPA [3] 16/3 24/6 76/5	Mar [1] 216/16 Mari [1] 216/16 market [4] 163/18 204/16 204/18 204/21 market-wide [1] 163/18 marketplaces [1] 153/23 MASH [6] 7/15 109/25 116/19 117/12 117/22 118/1 mass [5] 45/24 47/7 48/23 51/14 160/2 matched [2] 49/15 71/20 matching [5] 158/4 158/7 158/8 159/6 168/18 material [35] 44/5 81/10 109/5 127/21 128/13 128/20 129/5 129/11 136/5 136/16 145/10 150/9 184/1 185/22 185/25 185/25 188/20 189/3 189/6 190/4 206/25 208/1 208/24 211/14 212/6 213/12 219/3 223/4 227/10 229/7 229/16 230/12 230/22 234/18 234/18 materials [6] 128/2 140/23 149/5 149/6 236/23 237/8 Matrix [2] 3/3 19/8 matter [6] 45/13 51/21 130/6 162/10 191/21 191/21 matters [1] 130/25 maturity [1] 53/22 maximise [1] 51/7 maximum [3] 47/23 48/12 50/1 may [126] 4/11 6/23 10/2 10/5 13/1 13/4 13/20 13/24 14/2 15/8 15/13 16/2 16/15 18/19 18/23 18/25 19/16 19/18 19/22 21/2 23/2 23/7 24/5 25/10 25/19 26/11 27/18 28/22 28/23 32/6 33/15 34/10 34/11 34/12 36/22 37/4 38/22 39/2 39/21 39/25 40/19 41/11 41/13 42/17 42/21 43/12 44/23 46/12 49/21 51/2 51/15 51/16 52/2 53/13 54/5 54/6 55/16 56/5 56/9 56/21 56/22 58/2 58/16 59/13 59/16 59/18 62/18 62/25 65/6 65/9 70/2 71/16 80/7 82/23 83/19
---	--	---	---	---

M	124/20 124/22 125/1 125/2 134/14 153/21 170/18 183/16 224/22 231/19 meet [15] 7/11 8/2 27/12 35/7 35/25 42/25 63/12 102/20 104/6 104/10 120/6 127/24 131/9 146/13 237/15 meeting [4] 17/5 138/22 198/13 199/22 meetings [1] 16/3 meets [3] 56/2 117/10 119/18 member [5] 3/14 59/25 137/7 137/8 224/6 members [6] 34/19 45/21 57/2 60/2 173/22 236/4 memes [1] 181/15 memetic [1] 182/1 memory [2] 226/9 226/10 men [2] 135/2 136/14 mental [18] 7/12 7/21 10/8 28/2 28/18 31/17 32/12 34/5 66/3 99/15 100/10 129/2 166/19 166/24 166/25 167/18 167/21 216/1 mention [3] 57/14 136/19 171/2 mentioned [28] 10/17 50/16 60/10 60/19 93/10 113/20 113/22 114/21 115/9 117/13 143/15 144/5 146/21 150/12 159/8 163/14 163/17 164/18 185/15 195/13 198/11 201/15 206/3 206/10 212/10 226/13 227/7 229/15 mentor [1] 211/19 menu [2] 22/18 146/9 merits [1] 59/22 message [4] 30/15 35/10 219/17 223/10 messages [4] 46/23 63/8 108/8 223/1 messaging [6] 77/19 139/11 151/2 153/22 183/22 223/22 met [17] 4/21 16/4 30/2 34/11 44/23 45/13 49/5 53/13 53/18 55/9 60/19 69/19 81/9 85/25 103/21 138/19 196/15 meted [1] 129/10 method [5] 55/7 129/15 132/13 136/20 221/13 methods [2] 68/1	137/18 metrics [1] 160/6 microphone [1] 96/6 midday [1] 83/20 middle [1] 196/8 might [53] 6/16 8/25 33/9 44/5 85/14 93/22 94/1 94/3 97/6 99/14 99/14 99/15 102/13 103/4 107/20 108/3 110/18 120/13 120/22 121/5 126/3 127/10 132/22 142/5 151/16 154/21 161/5 161/15 169/8 169/9 170/25 171/23 174/20 175/25 177/3 178/16 184/11 186/24 187/1 187/2 196/15 197/3 197/11 204/1 205/11 213/8 214/20 214/23 216/6 218/18 221/6 225/21 228/22 mimetic [1] 207/25 mind [10] 80/12 90/10 93/5 98/21 166/16 167/14 184/3 195/19 196/9 225/3 mine [1] 130/1 Minecraft [3] 138/20 138/21 139/14 minimal [1] 89/8 minimised [1] 20/1 minimum [1] 166/8 ministerial [2] 1/18 37/18 Ministry [5] 2/7 3/4 51/23 90/16 90/21 Ministry of Justice and [1] 90/16 minor [1] 94/5 minors [1] 132/10 minute [3] 152/17 183/19 194/23 minutes [4] 36/23 62/19 126/9 173/3 misanthropy [1] 134/21 misconception [1] 223/5 misleading [1] 25/12 misogynistic [1] 134/25 misogyny [4] 60/2 128/21 134/18 135/5 missed [1] 101/8 misses [1] 161/23 missile [1] 179/9 missing [5] 101/14 109/3 113/19 190/6 198/3 mission [1] 173/23 misunderstood [1] 88/9 misuse [1] 172/7 mitigate [2] 55/16	214/1 mitigated [2] 110/12 120/14 mitigation [1] 63/25 mixed [4] 28/4 82/23 214/13 214/14 mobile [2] 85/8 85/20 mobilisation [7] 176/16 182/21 183/5 183/8 187/4 193/25 234/19 mobilise [2] 186/14 223/10 mobilised [4] 190/7 190/22 191/7 191/14 mobilising [1] 187/20 model [12] 8/16 12/3 12/4 36/8 72/21 117/7 122/1 143/3 164/21 214/10 225/1 225/4 models [3] 12/8 31/15 196/24 moderating [2] 159/22 209/18 moderation [8] 156/10 157/20 164/18 165/25 192/1 208/5 208/8 212/1 moderator [2] 139/23 195/21 modern [1] 40/24 MOJ [1] 70/20 moment [19] 67/12 84/9 89/1 89/15 95/5 95/24 96/3 98/9 102/25 103/10 116/18 117/1 160/19 174/23 178/23 192/7 198/10 201/13 234/24 Monday [1] 237/21 monitor [4] 42/8 93/16 187/13 209/12 monitored [2] 21/7 21/15 monitoring [9] 2/19 23/2 23/10 23/17 25/6 40/23 69/15 75/23 89/6 monitors [1] 176/1 monopolised [1] 121/16 months [3] 141/5 141/5 212/12 monumental [1] 237/7 moral [1] 224/18 more [89] 3/3 7/6 8/10 8/20 9/5 9/12 10/20 13/8 14/21 16/23 22/13 22/15 24/24 25/2 29/14 31/13 34/24 36/19 40/11 44/3 45/15 54/25 68/9 69/19 73/13 84/19 86/12 86/17 89/12 91/25	93/18 97/4 98/17 105/19 106/6 106/18 106/21 107/8 108/23 111/7 112/15 118/15 131/14 133/3 133/12 143/8 143/24 154/23 155/25 159/8 160/7 162/3 162/15 164/25 172/7 172/23 172/24 175/10 176/8 176/14 177/13 179/11 181/14 181/15 183/20 189/23 192/14 192/15 192/20 201/23 204/7 210/1 210/25 211/7 211/11 211/23 212/12 212/24 214/1 215/11 216/24 219/3 221/18 223/9 225/5 227/4 227/12 231/25 235/25 Moreover [1] 166/5 morning [7] 1/6 4/14 37/8 63/3 129/25 151/19 235/24 most [37] 6/10 7/18 7/22 9/7 16/22 17/21 17/25 19/10 22/25 25/8 27/15 28/21 66/13 68/18 68/19 72/3 87/4 107/2 115/25 121/18 122/10 155/18 165/25 170/19 174/6 174/22 176/5 176/23 184/9 190/14 190/18 198/16 205/10 211/9 216/23 224/7 224/7 motivated [3] 132/1 169/23 169/25 motivation [17] 41/2 41/3 41/18 41/23 42/5 45/23 47/5 47/12 48/25 60/7 115/5 136/12 137/2 137/2 164/23 205/23 205/24 motivations [6] 28/3 82/24 113/17 136/1 137/1 142/4 mount [1] 130/13 Mounted [1] 149/11 mouthful [1] 213/19 move [19] 16/13 33/22 64/9 64/20 65/20 70/8 84/2 90/11 104/14 107/6 110/4 111/7 115/17 120/1 131/14 135/16 208/2 213/4 219/22 moved [2] 1/24 192/8 movement [1] 23/10 movements [4] 181/7 181/14 181/23 182/1 moves [3] 14/20 26/24 74/15 moving [9] 73/18
----------	--	--	---	--

M moving... [8] 81/21 130/22 138/23 158/18 160/5 201/12 213/17 214/5 Mr [54] 1/4 37/3 62/24 91/6 123/20 124/4 124/7 125/7 125/9 125/22 125/25 125/25 126/5 152/14 152/22 173/8 173/9 173/10 194/22 195/6 195/12 195/14 199/6 199/8 201/12 201/25 204/24 205/6 207/2 208/4 210/19 210/22 212/25 213/2 216/10 216/10 217/12 218/23 219/23 221/4 221/24 227/5 229/1 229/3 230/25 233/5 233/6 233/22 234/2 235/23 236/17 237/15 238/8 238/10 Mr Adam [1] 125/7 Mr Boyle [7] 123/20 152/22 173/8 195/6 204/24 236/17 237/15 Mr Hadley [17] 125/9 125/22 173/9 173/10 194/22 199/6 201/25 207/2 210/22 213/2 216/10 217/12 219/23 221/24 229/3 233/22 238/10 Mr Hadley's [2] 201/12 233/6 Mr Jamieson [4] 1/4 37/3 62/24 91/6 Mr Richardson [19] 124/7 125/25 126/5 152/14 195/12 195/14 199/8 205/6 210/19 212/25 216/10 218/23 221/4 227/5 230/25 233/5 234/2 235/23 238/8 Mr Richardson's [1] 229/1 Mr Rob [1] 124/4 Ms [19] 1/15 2/13 2/14 2/16 3/7 3/11 4/11 4/11 37/4 37/6 84/7 84/25 89/3 90/9 92/3 102/5 107/12 112/15 238/4 Ms Cheryl [1] 1/15 Ms de [5] 2/13 4/11 89/3 90/9 107/12 Ms Kate [1] 2/14 Ms Langley [3] 2/16 3/7 4/11 Ms Muzaffer [9] 3/11 37/4 37/6 84/7 84/25 92/3 102/5 112/15	238/4 much [51] 4/13 30/8 36/21 62/17 62/18 81/24 83/19 84/5 86/12 87/17 88/3 89/12 89/23 89/24 93/18 99/5 102/4 106/6 122/22 123/6 126/4 129/20 133/17 134/10 152/12 157/20 172/24 173/1 177/11 179/10 180/1 181/15 187/17 192/4 194/21 195/10 196/6 200/19 203/1 207/6 208/23 210/1 210/15 211/21 216/11 222/11 229/13 234/12 236/16 236/17 237/19 multi [44] 7/14 8/1 9/13 14/5 18/7 25/23 26/13 26/23 27/3 27/7 28/8 28/16 30/6 35/24 63/6 76/5 78/15 78/16 80/1 83/12 91/13 92/18 98/21 99/10 99/16 99/19 100/1 100/5 100/7 100/23 101/17 101/23 108/15 109/1 109/8 109/16 111/5 111/12 115/18 121/21 122/3 148/13 183/25 228/10 multi-agency [39] 7/14 8/1 9/13 14/5 18/7 25/23 26/13 26/23 27/7 28/8 28/16 30/6 63/6 76/5 78/15 78/16 80/1 83/12 91/13 92/18 98/21 99/10 99/16 99/19 100/1 100/5 100/7 100/23 101/17 108/15 109/1 109/8 109/16 111/5 111/12 115/18 121/21 122/3 148/13 multidisciplinary [1] 192/18 multiple [10] 1/22 59/25 63/11 72/25 75/1 78/19 80/25 81/5 88/22 108/14 multiply [1] 185/25 murder [3] 41/21 46/1 60/12 murdered [1] 45/21 must [17] 16/10 31/21 31/22 32/19 38/22 41/8 41/15 44/10 45/14 53/17 53/21 55/5 61/18 69/18 74/23 75/21 146/17 mutual [1] 3/19 mutually [1] 32/18 Muzaffer [10] 3/11	3/11 37/4 37/6 84/7 84/25 92/3 102/5 112/15 238/4 my [48] 56/5 84/4 84/6 84/22 84/25 86/3 95/14 98/19 98/20 101/17 108/21 109/3 112/19 115/9 115/17 120/19 123/15 128/16 130/6 143/5 153/17 166/16 167/3 173/12 186/4 189/17 189/22 195/8 197/15 198/9 198/17 200/23 202/4 202/21 202/24 203/8 203/23 206/3 209/17 221/9 221/14 226/9 226/10 226/13 231/2 231/3 233/3 237/1 Myself [1] 130/6 myth [1] 211/7 N NABS [3] 146/6 151/8 236/8 name [4] 4/6 140/20 172/22 211/3 named [4] 8/5 11/24 29/3 31/14 namely [2] 5/21 49/7 names [1] 172/4 naming [1] 218/7 narrative [4] 77/20 191/12 219/10 219/13 narratives [1] 77/21 narrow [2] 163/19 164/3 narrowly [1] 201/2 nation [10] 180/4 180/15 180/17 180/18 181/21 198/24 202/2 204/8 218/14 220/15 national [39] 3/1 4/4 4/5 4/15 8/16 9/17 29/9 58/24 63/4 63/4 63/23 64/10 64/23 65/3 66/19 66/21 66/22 67/15 67/17 69/24 79/3 81/6 104/2 107/24 117/9 121/9 121/19 124/6 124/8 126/7 127/16 128/14 130/16 143/19 144/23 150/24 193/21 198/3 227/11 nationally [7] 11/11 11/17 13/3 28/5 29/19 36/8 107/20 nature [13] 6/1 10/18 13/20 70/7 89/10 167/1 175/1 181/13 184/23 185/8 202/25 207/6 207/8 navigate [2] 30/24 98/16 NCA [24] 63/1 63/2	66/18 72/6 76/1 81/3 81/8 94/23 108/1 111/17 124/6 130/7 130/16 130/22 144/2 145/8 150/4 151/20 188/2 199/10 221/7 231/6 233/14 238/5 NCA's [5] 109/7 205/9 221/4 227/12 235/24 NCCU [3] 64/10 65/22 151/18 NCII [10] 167/15 167/19 168/16 168/18 169/9 169/15 169/21 170/25 171/19 171/21 neatly [2] 27/25 189/12 necessarily [23] 4/7 26/9 82/9 90/4 92/21 92/24 101/19 116/20 127/24 128/18 131/16 132/22 133/23 134/21 146/2 179/25 179/25 188/18 190/25 199/22 204/4 219/1 229/11 necessary [6] 22/22 25/6 55/10 57/1 116/1 194/8 need [51] 7/1 7/17 7/22 8/17 18/13 20/12 24/20 29/1 30/5 31/13 33/11 33/16 34/15 34/20 57/7 75/18 76/24 77/4 82/11 83/14 85/24 89/16 93/14 98/8 104/23 105/6 105/7 105/11 105/20 106/5 116/10 120/7 120/14 120/14 132/2 133/6 137/11 144/6 164/25 165/12 174/4 178/2 183/1 187/12 188/18 192/20 204/9 204/11 222/23 228/10 231/11 needed [3] 44/2 151/3 224/6 needs [39] 6/9 10/7 10/25 12/11 13/11 14/18 17/8 19/24 20/18 20/24 22/4 22/16 23/22 23/23 27/9 31/7 31/19 32/13 32/20 35/8 35/14 81/14 97/11 98/11 102/2 107/4 116/23 117/11 120/21 122/19 122/19 143/2 143/8 187/6 190/19 192/14 204/23 210/1 223/5 negatively [1] 12/6 neglect [2] 32/12 34/4 neither [2] 25/24 49/22	net [3] 8/13 9/4 36/2 net-widen [1] 8/13 net-widening [1] 36/2 Netherlands [1] 118/25 network [33] 3/22 4/10 66/23 67/16 67/17 95/16 110/2 124/8 127/20 128/10 128/23 131/18 132/3 140/4 140/5 140/5 143/23 144/25 145/4 158/5 165/9 176/25 181/10 181/24 186/8 199/2 199/11 205/8 206/9 220/15 223/23 224/6 230/4 networks [37] 66/21 126/11 127/1 127/23 129/13 129/15 129/16 129/24 130/2 133/5 135/11 135/12 136/3 136/22 138/4 139/5 140/7 140/9 142/16 142/17 146/1 146/11 149/16 149/21 152/3 185/5 191/6 199/11 205/14 219/6 219/18 221/5 221/9 221/12 221/14 221/17 231/9 neurodiversity [7] 16/9 19/14 21/22 28/2 31/18 32/13 34/6 neutral [3] 153/10 159/25 236/14 never [2] 192/13 218/17 Nevertheless [1] 149/23 new [23] 9/13 12/7 31/13 51/20 51/24 56/13 66/8 102/8 118/3 124/12 126/14 127/18 127/19 144/14 144/16 167/12 181/19 197/2 213/11 216/21 220/1 220/12 221/1 news [5] 139/16 196/5 215/3 215/5 215/11 newspapers [1] 178/23 next [8] 68/8 68/17 126/8 138/10 144/2 210/10 227/20 237/15 NGO [4] 173/15 180/3 202/10 222/11 NGOs [4] 126/22 193/6 218/8 218/11 Nicholas [1] 45/20 night [1] 213/20 nihilistic [4] 125/16 126/13 132/20 176/5 no [61] 8/21 18/25 19/22 26/12 27/7 28/5
--	---	---	---	--

N no... [55] 34/11 34/21 39/13 42/12 43/6 43/6 43/11 43/11 43/15 45/11 47/2 51/8 58/5 60/16 61/13 67/13 72/1 75/15 76/22 79/18 83/9 85/2 85/7 92/14 95/20 104/4 104/11 111/23 113/18 118/9 140/16 155/1 166/8 166/11 169/17 169/18 179/9 182/1 182/15 182/16 184/15 184/16 184/18 186/4 201/13 202/24 203/22 209/4 209/24 210/16 220/16 221/19 221/23 235/2 236/5 Nobody [1] 164/5 nodding [1] 110/13 non [15] 37/18 40/10 51/14 99/3 101/12 112/19 112/20 131/16 158/9 166/14 168/3 168/7 173/20 212/23 232/3 non-compliance [1] 212/23 non-consensual [3] 158/9 168/3 168/7 non-criminal [1] 166/14 non-ideological [4] 40/10 112/19 112/20 131/16 non-judgemental [1] 232/3 non-statutory [1] 101/12 nonetheless [1] 90/5 nor [6] 28/14 39/16 42/7 44/21 128/8 200/11 normal [5] 72/4 86/14 124/1 162/17 184/10 normalised [1] 137/15 normalises [1] 213/13 normally [1] 54/1 normative [1] 224/18 Northern [2] 134/9 134/11 not [302] note [18] 42/12 44/18 46/22 49/19 51/12 54/19 63/15 68/23 94/17 126/1 135/25 140/4 140/12 146/21 157/8 171/21 206/15 226/21 noted [2] 27/17 55/5 nothing [6] 99/6	158/23 180/4 187/11 210/21 213/2 notice [7] 74/1 131/15 140/21 160/15 160/16 171/7 226/16 noticed [1] 148/23 notices [3] 69/14 73/9 171/6 notification [4] 5/25 57/18 57/24 216/25 notifications [3] 32/3 73/10 158/1 notified [1] 210/14 notifying [1] 125/17 notoriety [4] 128/10 132/1 205/25 219/11 Nottingham [1] 3/14 notwithstanding [1] 168/12 November [1] 222/3 now [54] 1/13 2/11 7/8 12/13 16/13 26/18 26/22 40/10 40/16 63/23 66/2 81/15 84/2 85/22 88/6 105/25 106/6 116/21 117/19 125/24 132/25 134/7 136/4 136/15 137/2 138/7 138/9 142/9 150/24 158/17 159/1 159/6 165/8 167/15 167/16 172/10 177/13 177/17 181/14 182/4 182/19 185/14 189/21 189/23 195/7 195/24 195/25 196/4 198/18 208/18 209/24 210/8 225/5 236/12 number [24] 2/3 16/5 42/14 48/10 49/1 57/23 60/22 66/17 73/19 75/24 107/25 115/20 115/21 118/19 125/5 131/6 178/13 181/7 186/7 191/4 193/7 193/16 202/13 211/4 numbers [2] 217/3 217/4 numerous [1] 125/3 O o'clock [1] 123/7 obeying [1] 203/3 objective [2] 9/11 53/23 objectives [1] 199/25 objects [1] 170/13 obligation [5] 156/1 156/19 168/22 168/22 222/15 obligations [3] 156/21 165/3 215/23 observability [2] 184/15 211/17 observation [4]	126/12 136/11 147/5 147/17 observations [1] 55/14 Observatory [1] 125/2 observe [1] 209/9 obsession [1] 191/12 obsessive [2] 15/12 191/10 obstructive [1] 110/11 obtain [1] 96/11 obvious [4] 58/5 179/21 207/7 215/16 obviously [17] 85/23 93/3 94/18 95/21 108/11 112/2 115/14 118/22 123/1 174/14 180/25 190/19 191/8 202/22 215/20 223/12 224/22 occasion [1] 74/11 occasioned [4] 45/17 52/24 54/12 62/4 occasions [1] 125/4 occult [2] 128/20 139/11 occult-type [1] 139/11 occur [1] 75/23 occurred [4] 16/14 25/25 26/11 46/6 occurs [8] 42/24 43/24 52/6 61/25 63/14 63/21 65/19 68/12 October [3] 150/16 237/16 237/22 odd [1] 163/4 Ofcom [44] 157/6 157/10 158/6 158/20 159/2 160/8 160/19 160/22 161/1 161/10 163/17 163/23 164/1 165/2 165/13 165/14 165/24 167/9 167/9 167/10 167/16 167/19 168/2 168/17 169/2 190/2 201/8 201/15 209/5 209/7 210/8 210/10 210/16 217/25 218/16 225/16 225/19 226/1 226/4 226/10 226/14 226/23 227/2 228/14 Ofcom's [6] 157/8 157/12 157/13 157/18 201/22 210/17 off [6] 1/3 70/14 117/23 167/8 168/9 233/11 off-ramps [1] 70/14 offence [60] 18/9 19/23 26/10 38/11 39/4 39/16 40/24	41/11 41/14 41/20 41/21 42/11 43/1 43/10 44/6 44/11 47/21 47/24 48/4 48/5 48/10 49/23 50/2 50/10 50/22 51/4 51/13 52/21 53/22 55/2 55/4 56/8 56/24 56/25 57/12 60/9 60/18 60/24 61/3 61/13 85/19 85/21 86/10 86/13 94/2 94/5 99/6 102/11 103/14 105/10 107/5 113/16 113/17 139/23 169/7 198/23 213/12 213/14 215/19 216/2 offences [52] 3/16 11/22 15/14 16/19 16/22 17/16 38/7 41/5 42/19 45/11 46/2 46/9 47/8 47/9 47/10 47/11 48/11 49/16 49/17 50/10 52/1 59/14 60/22 60/25 62/12 81/1 87/13 90/5 108/3 109/19 109/22 112/22 112/23 112/24 114/5 114/23 115/1 115/3 132/11 132/11 132/12 142/22 156/25 162/7 162/13 162/16 162/17 167/25 168/9 170/4 170/7 196/19 offend [5] 70/22 71/1 71/2 80/19 80/21 offended [1] 71/11 offender [8] 41/2 41/18 50/22 52/21 62/13 73/24 75/21 76/4 offenders [18] 17/17 38/11 42/17 56/18 76/3 77/3 83/1 92/7 112/19 112/19 127/1 131/8 142/16 142/21 142/25 143/1 148/10 211/2 offending [90] 6/5 6/9 7/7 10/4 10/5 10/12 11/21 15/3 16/14 17/10 17/23 18/14 20/18 21/3 22/16 24/4 24/18 25/25 28/2 41/4 45/6 50/12 50/24 53/24 55/15 55/20 55/23 65/9 65/15 66/2 67/4 67/23 68/14 68/22 70/2 70/4 70/9 70/17 70/19 70/24 71/4 71/5 71/6 71/7 71/13 72/19 74/20 76/9 78/6 78/21 79/1 80/6 80/25 82/22 83/8 89/11 95/7 95/12 95/17 96/1 96/12	97/15 105/13 106/2 106/9 106/16 106/18 108/6 108/20 109/18 111/21 113/5 113/7 113/12 115/7 115/14 122/10 130/10 130/11 132/9 140/17 141/4 146/24 146/24 147/2 152/1 197/1 198/2 205/22 206/2 offensive [1] 162/20 offer [21] 8/16 8/20 10/13 11/18 25/11 29/22 68/21 71/19 87/20 88/12 92/3 93/21 94/22 100/16 100/22 108/23 119/14 119/19 119/20 121/18 122/23 offered [2] 11/14 100/25 offering [2] 54/7 119/18 office [14] 1/18 3/4 51/22 93/8 95/5 96/3 98/3 112/10 152/7 174/17 190/10 195/25 220/3 232/17 officer [23] 1/16 2/11 4/8 62/25 63/2 63/3 64/1 64/2 64/5 64/8 65/2 65/6 65/23 99/24 99/25 103/12 104/2 107/24 107/25 111/17 121/19 171/7 238/5 officer's [1] 4/6 officers [2] 65/18 75/10 official [2] 88/13 93/6 officials [2] 203/4 203/8 offline [5] 1/10 68/1 163/1 233/4 234/1 offs [1] 165/18 often [29] 7/14 14/12 30/16 32/9 32/24 44/3 66/22 72/25 74/18 75/1 75/3 78/19 79/22 99/11 129/1 129/2 129/8 131/8 138/13 138/14 139/2 186/20 187/8 187/15 188/15 206/19 211/9 211/23 230/19 okay [3] 97/18 115/1 214/15 old [7] 46/14 48/15 59/24 83/4 83/4 101/10 140/18 on [334] onboarding [1] 156/12 once [11] 9/22 14/22 16/14 26/7 92/1 95/20 130/11 145/21 156/23 187/5 198/22
--	---	---	--	---

O	177/15 177/19 177/24 182/7 184/21 185/18 186/21 187/15 188/14 188/18 189/2 189/17 189/23 190/5 190/7 190/13 191/11 194/15 200/25 201/8 202/25 205/1 205/2 205/3 205/5 205/10 205/20 205/21 207/24 208/19 213/5 216/21 217/2 219/7 219/22 223/4 223/19 223/24 224/25 225/18 227/16 227/25 229/4 232/1 232/10 233/10 234/1 234/18 online/offline [1] 234/1 only [45] 4/2 10/24 14/8 24/2 29/5 30/16 31/23 48/4 49/17 50/9 52/7 52/22 54/20 55/7 70/10 73/1 73/22 75/16 76/18 85/5 88/21 106/10 107/15 107/15 115/11 136/23 140/21 146/6 156/24 157/4 160/18 160/20 162/2 163/4 166/5 169/21 170/21 172/5 175/2 179/20 192/22 194/18 208/11 215/21 224/1 onto [4] 139/18 172/2 205/3 224/13 onwards [1] 3/22 open [30] 47/20 47/24 49/6 49/9 96/20 107/23 110/12 125/15 153/25 175/3 175/16 176/1 179/15 180/24 187/7 192/25 193/5 193/12 193/15 194/4 194/9 203/21 203/25 204/2 204/12 207/11 219/23 220/5 229/10 230/20 open-source [9] 193/15 194/4 194/9 203/25 204/12 219/23 220/5 229/10 230/20 OpenAI [1] 225/11 opened [2] 157/22 187/8 openings [1] 237/17 operate [7] 8/20 14/3 25/14 68/25 172/16 175/2 175/20 operated [5] 70/6 177/4 177/5 183/24 212/9 operates [4] 69/9 71/24 116/19 154/7 operating [5] 1/15 2/11 37/23 160/23 205/20	operation [5] 46/13 48/14 59/19 172/17 180/14 Operation Quakeric [1] 46/13 operational [22] 2/12 4/16 26/19 26/22 26/25 39/23 51/8 68/1 68/3 69/23 72/23 91/21 92/15 92/23 125/14 133/1 178/15 200/12 205/17 220/1 223/14 234/3 operationalise [1] 196/1 operations [3] 2/16 64/1 220/11 opinion [2] 189/22 202/24 opportunities [7] 8/24 24/21 35/13 67/25 78/9 78/10 144/20 opportunity [11] 9/24 19/1 19/17 20/8 20/17 62/14 67/6 86/2 98/5 116/6 220/10 oppose [1] 58/13 opposing [1] 120/19 option [5] 52/22 75/15 111/14 213/11 215/22 options [14] 16/17 17/12 20/2 52/3 52/17 52/23 61/5 69/20 75/2 80/24 82/1 124/24 146/9 205/2 or [313] oral [1] 237/17 order [65] 5/10 5/19 14/23 20/15 21/2 21/24 22/1 22/10 22/12 23/13 23/13 24/8 24/15 24/23 25/2 25/11 25/13 25/24 41/20 55/22 56/14 56/22 57/1 57/4 57/14 57/20 73/24 73/24 73/25 74/1 74/3 74/3 74/6 74/7 74/7 75/25 84/21 85/2 86/25 88/7 88/7 89/5 89/14 89/15 93/23 94/1 94/9 95/8 95/24 96/17 98/2 100/13 100/14 101/1 102/8 102/9 102/14 110/7 113/18 129/13 170/3 171/4 172/15 173/24 207/7 ordered [1] 35/12 orders [66] 1/9 5/9 5/12 5/12 5/16 12/15 17/14 17/15 17/15 20/13 20/20 21/19 22/11 24/13 24/14 25/18 26/21 37/12	45/8 54/17 56/11 56/18 57/7 57/10 57/15 57/22 58/8 58/14 69/22 73/20 73/21 73/21 73/22 73/23 74/4 74/5 75/24 76/13 76/16 90/10 95/3 96/12 96/13 97/21 97/23 98/18 102/7 102/15 102/16 102/23 103/4 108/22 111/25 112/7 112/15 113/9 113/10 113/11 114/3 123/24 153/6 153/6 170/1 171/3 171/23 217/3 organisation [14] 2/12 3/10 32/5 79/21 80/3 93/6 103/1 114/13 134/1 151/1 181/1 220/12 221/1 236/9 organisation's [1] 2/18 organisational [3] 79/15 81/23 82/14 organisations [17] 1/12 33/3 73/1 99/13 121/3 123/14 125/6 175/5 177/6 177/8 180/1 181/13 181/18 181/21 193/4 193/10 222/20 organise [1] 237/7 organised [5] 3/21 127/17 144/25 199/13 199/16 organising [1] 237/10 original [2] 55/2 74/23 originate [1] 66/17 originating [1] 172/5 OSINT [3] 204/6 221/25 224/13 other [105] 10/5 13/25 14/23 20/2 24/8 28/19 32/21 34/3 35/18 37/20 38/2 41/17 42/1 43/4 47/4 47/19 48/3 50/23 51/22 53/16 57/3 60/3 60/18 60/22 61/14 61/25 67/4 67/4 67/23 67/23 73/21 75/2 75/5 75/7 89/1 90/7 94/15 96/12 97/15 100/8 106/14 106/18 108/4 108/19 112/1 112/23 114/19 114/21 120/23 122/16 126/11 126/21 128/21 129/13 129/15 130/12 131/17 134/25 138/1 138/6 138/19 138/22 138/24 139/10 139/13 139/18 149/5	153/6 153/24 160/24 162/16 162/24 164/19 169/10 169/22 171/20 172/3 172/10 175/3 178/19 184/22 186/12 188/2 191/12 191/22 201/7 201/13 204/4 205/11 207/17 207/24 210/12 210/24 212/4 212/8 215/23 216/3 216/19 218/24 220/20 223/24 226/21 230/9 232/15 235/17 others [28] 8/19 13/18 15/6 16/12 17/11 19/14 20/25 32/18 36/17 46/23 60/5 60/13 61/1 93/8 129/6 146/5 170/19 176/13 184/25 189/8 190/3 191/5 201/5 203/9 203/17 216/7 231/20 234/23 otherwise [4] 39/14 157/2 228/1 228/22 our [87] 1/6 3/10 3/10 4/25 29/9 30/10 31/4 35/10 38/1 38/3 38/13 39/9 39/11 40/8 40/19 40/21 40/21 42/7 51/21 53/5 54/15 56/1 59/10 62/1 77/6 87/12 87/17 87/18 91/15 93/9 93/13 93/16 94/20 94/22 96/17 97/17 103/20 103/24 104/2 104/15 105/1 105/21 106/7 106/22 107/24 110/14 114/1 114/3 121/19 125/24 127/4 131/2 132/5 133/20 144/3 144/4 144/11 144/13 145/24 146/8 147/22 147/25 149/10 149/12 149/23 151/1 173/23 174/19 175/4 175/12 176/1 176/5 176/10 178/3 178/10 195/7 196/17 197/6 206/17 206/18 206/21 211/9 211/15 224/7 227/13 236/5 237/17 ourselves [2] 84/8 209/11 out [59] 2/22 5/21 12/20 12/21 12/22 18/9 18/14 45/1 45/11 47/7 48/23 54/7 54/15 54/16 54/16 54/18 54/21 55/3 55/5 55/6 55/12 56/2 60/4 60/8 85/5 88/13 89/16 103/22 107/18 129/10 135/23 136/14 151/2 151/5 154/6 157/15
----------	--	--	--	---

O out... [23] 158/16 160/13 166/20 168/1 168/1 172/22 184/12 185/4 186/11 186/17 187/6 188/23 197/15 216/3 216/3 216/6 216/6 218/16 219/17 228/23 230/11 230/16 232/4 outcome [10] 5/7 6/2 6/8 6/13 7/2 18/19 18/21 19/19 26/11 122/10 outcomes [11] 1/22 6/14 6/18 11/8 16/14 16/15 16/21 17/23 18/16 18/17 71/22 outlawing [1] 195/21 outline [3] 4/25 39/21 43/3 outlined [12] 38/14 44/14 46/4 51/17 53/11 53/20 56/4 58/9 86/7 86/16 87/4 88/14 outlines [1] 55/18 outlining [1] 37/15 outset [3] 4/1 44/1 59/7 outside [5] 87/8 130/22 153/6 172/11 205/3 outweigh [1] 54/3 over [25] 8/13 9/4 32/9 33/12 34/25 73/23 84/19 89/25 101/6 101/15 105/25 108/25 134/15 159/18 162/11 166/10 177/21 178/21 188/19 189/16 192/17 193/1 199/7 206/23 218/17 over 18s [1] 101/15 over-18s [1] 73/23 over-criminalisation [1] 9/4 over-criminalise [1] 8/13 overall [7] 26/5 28/23 32/15 73/2 115/13 193/20 194/4 overarching [1] 33/17 overcome [1] 137/12 overlap [2] 66/9 71/24 overlapping [3] 32/11 80/2 82/24 overlooked [1] 162/18 overly [1] 203/4 oversaw [1] 3/22 overseas [5] 3/18 3/23 82/17 129/21 141/22	oversight [14] 2/18 18/6 20/6 22/3 24/10 25/8 29/3 29/9 29/14 29/25 33/5 34/22 36/14 82/13 overview [2] 153/3 173/16 overwhelmed [1] 117/5 overwhelming [1] 179/20 own [23] 10/9 31/1 41/13 45/15 59/22 121/3 141/23 147/13 156/17 163/18 165/17 166/1 203/24 203/25 204/2 204/3 209/3 209/3 209/8 209/16 212/13 212/14 220/12 owned [3] 63/13 90/15 177/5 owner [1] 81/16 ownership [14] 9/13 29/3 31/24 33/13 35/25 36/19 66/14 68/11 79/18 80/15 82/6 122/3 122/6 122/13 P package [1] 23/21 painted [1] 89/25 pairing [1] 72/10 panel [8] 21/2 21/7 21/13 22/6 24/20 37/11 89/18 198/9 parallel [2] 83/9 183/10 parameters [1] 39/20 paramount [1] 229/5 paraphrase [1] 112/20 parent [1] 21/8 parents [12] 15/2 17/5 30/16 31/10 70/13 72/8 72/10 78/2 110/11 150/7 190/20 231/22 Parliament [3] 37/25 51/3 168/15 Parliamentary [1] 125/4 part [45] 8/7 10/16 24/2 41/19 49/13 50/22 51/15 55/8 56/5 59/13 60/18 61/4 73/1 73/15 75/25 89/5 89/12 89/14 90/21 90/21 91/3 96/8 99/24 99/25 106/5 107/18 109/14 120/1 123/9 127/18 132/2 135/22 153/18 155/18 164/22 184/24 198/24 201/10 201/16 203/21 205/25 212/21 220/13 224/7	237/5 part 2 [1] 90/21 Part 3 [1] 153/18 partially [1] 192/9 participants [6] 1/7 31/12 37/8 71/5 237/2 237/18 participate [2] 37/10 110/9 participated [1] 123/14 participating [1] 198/16 participation [2] 21/11 70/10 particular [39] 15/16 17/18 23/14 33/10 52/19 60/1 81/7 82/3 93/1 94/12 94/14 94/15 94/24 94/24 94/25 100/6 100/13 104/23 117/16 117/17 119/22 122/13 127/24 131/8 131/10 147/24 149/22 156/7 159/14 159/20 159/21 167/25 184/11 184/13 185/19 192/13 202/14 211/20 218/12 particularly [37] 18/23 22/8 27/14 42/24 54/21 62/7 68/13 70/15 73/7 74/12 74/20 76/21 79/10 80/6 84/6 115/24 127/13 128/24 129/1 132/14 153/8 161/25 162/6 165/12 168/3 178/9 185/23 188/16 191/19 192/7 196/23 203/23 207/3 219/20 222/23 233/14 237/3 parties [1] 58/17 partly [1] 211/13 partner [12] 10/10 13/10 15/2 17/6 23/19 27/23 43/18 66/6 66/13 72/23 104/13 211/1 partners [32] 4/24 6/20 8/1 15/24 27/6 32/8 35/18 51/22 66/23 67/1 67/18 67/20 79/12 81/4 100/23 116/10 126/20 144/4 144/12 144/13 144/15 147/7 147/7 147/7 147/8 149/10 149/24 150/2 151/22 196/22 197/7 210/23 partnership [14] 6/25 8/17 14/13 16/3 22/7 24/6 29/8 29/24 36/13 100/2 111/5 174/3 204/1 204/6	partnerships [12] 9/20 36/6 63/9 69/25 78/7 78/15 78/16 124/10 148/12 192/24 197/19 233/17 parts [6] 4/18 37/16 121/12 188/2 207/15 214/19 pass [2] 12/13 182/15 passed [2] 38/21 110/21 password [2] 187/11 223/25 past [3] 177/22 188/19 192/17 pathway [15] 7/25 33/25 58/6 65/14 68/7 68/17 73/15 79/18 82/7 83/3 108/10 108/18 112/2 163/7 186/23 pathways [20] 9/10 12/19 27/13 31/5 35/20 66/16 76/10 78/8 79/25 81/20 84/14 108/14 109/15 146/7 151/7 151/13 183/4 185/20 186/21 236/10 pattern [4] 29/20 33/3 34/15 140/8 patterns [4] 15/18 32/6 73/3 158/5 paucity [2] 182/10 182/25 Pause [3] 65/8 67/8 89/2 pay [1] 226/7 paying [1] 177/8 PDAT [5] 12/18 13/1 13/9 14/3 14/19 pdf [1] 46/21 peers [1] 10/5 penalty [1] 171/11 people [44] 13/25 31/23 32/21 46/18 48/20 52/5 56/15 62/8 79/11 80/7 87/7 99/12 110/9 117/2 117/4 138/20 141/15 147/17 147/23 148/24 148/25 149/3 150/8 157/14 158/10 160/11 165/4 166/5 166/24 179/2 184/11 187/21 192/12 209/23 214/20 215/7 222/5 222/7 226/5 230/9 231/22 231/23 235/16 235/17 per [2] 40/4 124/2 perceived [4] 51/16 53/16 61/18 114/20 perfectly [1] 119/5 perform [1] 157/3 performance [2] 2/5	2/20 performative [3] 185/8 207/6 207/7 performing [1] 138/25 perhaps [25] 28/21 86/17 92/13 100/8 100/9 111/19 111/19 117/16 127/9 156/22 160/7 164/2 165/4 179/4 181/16 190/15 190/22 192/9 201/4 209/23 217/19 221/5 224/12 228/12 229/1 period [3] 25/14 57/20 110/21 permit [1] 49/13 perpetrate [1] 230/23 perpetrated [1] 48/23 perpetrator [2] 185/9 186/20 perpetuated [1] 211/8 perseverance [1] 202/12 persistent [1] 80/13 person [11] 38/10 42/2 47/10 48/8 119/3 132/12 170/22 171/8 185/10 207/20 222/3 person's [1] 108/7 personal [7] 39/6 114/11 114/14 114/15 119/14 147/5 159/17 persons [2] 55/20 215/20 perspective [23] 4/16 29/9 31/9 86/21 92/19 92/24 93/4 93/18 94/20 105/21 126/24 127/3 133/18 142/18 144/11 145/16 145/17 147/3 152/8 205/9 218/25 221/4 221/21 persuade [2] 137/9 139/8 persuaded [1] 141/18 persuading [2] 139/1 140/19 pertain [1] 53/20 pertinent [1] 168/16 pervse [1] 189/22 pets [1] 129/10 phase [9] 30/11 36/11 73/14 96/16 118/18 158/21 215/4 216/15 237/6 Phase 1 [6] 30/11 36/11 118/18 215/4 216/15 237/6 phenomenon [1] 127/18 photo [1] 170/19 phrase [1] 138/17
--	--	---	--	---

P physical [3] 170/13 170/18 198/12 physically [1] 164/6 pick [3] 97/20 102/1 228/24 picked [2] 110/22 118/23 picks [1] 233/6 picture [13] 27/8 28/24 32/15 34/21 35/4 73/2 79/5 79/22 89/24 109/4 143/24 143/25 165/21 piece [6] 153/4 167/3 175/23 231/4 231/16 237/7 piecemeal [1] 171/13 pieces [3] 79/22 171/14 202/11 pipelines [1] 66/15 place [28] 23/9 23/24 54/1 62/9 75/6 75/12 80/6 86/13 89/5 100/20 101/18 102/15 103/9 104/8 110/2 111/7 114/16 116/7 116/14 116/22 131/13 161/20 184/22 190/16 190/18 192/1 193/3 232/11 placed [3] 64/14 97/17 102/21 placement [2] 33/8 34/12 places [4] 46/22 66/17 107/19 216/3 plan [16] 11/5 13/11 13/16 14/16 15/22 24/3 33/20 35/1 47/7 60/12 90/18 101/24 178/25 228/17 233/11 236/2 plank [1] 166/13 planned [1] 46/16 planning [10] 11/3 12/19 14/25 15/13 24/10 50/17 51/13 178/16 223/14 223/16 plans [3] 32/25 34/7 45/24 platform [29] 139/14 139/24 149/17 154/11 154/19 156/21 160/1 161/21 167/4 171/10 175/25 185/2 185/16 188/3 188/4 188/25 195/22 201/9 204/1 204/3 204/6 211/25 212/2 212/16 214/11 214/14 214/19 216/6 229/25 platform's [1] 208/24 platforms [103] 77/11 125/17 134/15	137/6 147/15 149/15 149/24 159/23 161/19 164/24 168/11 168/11 174/11 174/13 174/18 175/16 175/20 175/22 176/8 176/21 176/24 177/21 177/21 178/7 179/18 180/22 183/9 183/15 183/16 184/9 186/15 187/22 188/13 188/15 188/21 188/24 189/15 189/19 191/5 191/24 191/25 192/3 192/15 192/15 196/18 197/15 197/22 200/25 201/10 201/11 202/16 202/22 202/23 204/15 204/21 208/6 208/7 208/12 209/1 209/8 209/12 209/16 209/17 209/20 210/18 210/24 211/1 211/4 211/8 211/12 211/18 211/19 211/21 211/23 212/5 212/18 212/24 213/23 214/6 214/17 215/1 215/15 216/25 218/1 218/4 218/7 218/7 218/9 218/13 218/15 222/4 222/9 222/13 224/13 224/13 225/8 225/14 225/22 227/8 228/7 228/8 234/12 235/14 play [3] 11/8 75/25 94/15 playbook [1] 146/9 played [1] 1/20 playing [2] 182/20 192/12 plays [2] 176/12 182/9 please [17] 4/11 37/15 88/9 89/1 92/11 96/6 97/19 126/1 152/24 156/4 164/12 205/5 208/4 213/4 213/6 227/23 228/17 plenary [9] 83/18 83/20 84/1 84/2 194/24 195/5 195/7 238/6 238/11 Pluralism [1] 125/2 pm [14] 83/25 123/16 123/18 152/17 152/19 152/21 173/3 173/5 173/7 194/24 195/1 195/2 195/4 237/20 pockets [1] 218/5 podcasts [1] 141/11 podium [1] 4/12 point [32] 6/22 16/10 20/7 33/11 46/12 50/19 52/23 74/13 90/25 98/18 101/16 104/16 106/12 109/22	115/23 118/10 122/25 131/14 156/23 160/18 160/21 161/12 161/23 167/11 176/10 184/20 205/23 210/12 218/20 219/9 230/11 233/25 pointed [1] 31/12 points [10] 30/4 40/14 82/11 92/4 97/20 98/22 106/14 137/11 142/1 157/8 poisons [1] 235/16 police [59] 3/1 6/15 7/17 14/14 18/24 19/6 19/8 27/5 29/17 34/19 35/19 37/20 38/2 38/6 43/18 43/21 43/24 44/1 44/9 44/10 46/15 46/21 47/13 48/16 49/13 52/8 52/14 55/15 55/22 56/20 58/16 59/3 59/9 59/11 60/20 61/10 75/16 85/7 85/16 85/18 86/18 99/25 102/24 103/12 130/9 131/1 143/13 145/3 149/11 171/7 188/3 190/3 198/12 203/8 203/17 206/22 220/2 233/16 234/8 police's [1] 55/13 policing [22] 51/5 56/19 58/24 67/6 67/25 69/5 72/4 78/24 79/6 81/25 131/21 132/24 142/5 143/14 143/19 143/20 147/7 170/2 172/9 195/23 207/1 220/11 policy [11] 1/19 40/17 51/21 51/24 81/21 93/4 124/20 144/10 147/7 175/16 208/14 political [11] 41/10 45/25 47/3 191/2 192/14 192/16 204/10 209/18 210/2 212/21 217/7 poor [2] 167/9 193/18 populating [1] 141/3 population [2] 151/3 211/6 porn [2] 210/18 214/11 pose [6] 13/24 53/13 99/8 117/18 120/15 121/13 posed [7] 39/15 44/19 50/6 52/5 55/14 58/10 220/9 poses [3] 120/20 135/15 220/14 position [6] 88/6 88/8	88/10 88/10 165/20 199/10 positions [2] 197/1 236/24 positive [7] 11/4 11/7 11/19 17/23 20/19 65/16 70/8 positively [1] 167/8 possesses [1] 63/9 possessing [1] 73/1 possession [5] 3/5 48/7 61/3 109/7 115/12 possibility [1] 158/2 possible [14] 19/5 19/10 38/5 38/12 45/17 49/24 50/5 62/5 91/4 91/9 151/3 202/9 207/22 226/3 possibly [2] 210/2 211/3 post [6] 45/8 65/20 76/3 99/6 164/18 232/17 post-conviction [2] 45/8 76/3 post-intervention [1] 65/20 post-offence [1] 99/6 posted [3] 44/6 167/13 189/25 posting [1] 235/12 posts [1] 127/6 potent [1] 184/9 potential [22] 11/21 22/18 32/20 42/19 44/19 50/12 50/23 57/19 61/12 82/11 86/9 98/16 102/6 103/7 106/10 114/20 115/15 145/12 150/19 172/22 186/23 215/5 potentially [15] 26/14 40/10 51/1 98/12 102/16 108/23 109/22 141/6 145/19 167/3 172/24 180/18 186/12 224/5 225/9 power [8] 45/8 85/7 110/6 111/11 196/1 204/22 209/5 225/21 powers [35] 1/9 35/22 36/18 39/24 42/23 45/7 51/19 61/15 62/11 63/9 68/10 72/2 72/5 75/16 82/1 83/11 86/19 86/22 111/24 123/25 160/20 161/3 161/12 161/14 170/9 172/3 201/17 201/22 217/2 217/11 218/17 225/16 226/2 226/12 226/16 practical [8] 4/22 27/22 29/1 51/23 65/13 155/9 213/19	214/22 practicality [1] 202/15 practically [2] 106/14 160/7 practice [15] 7/19 10/19 12/7 21/18 21/19 24/1 25/19 59/20 78/23 113/25 124/19 171/2 179/15 208/7 214/2 practising [1] 124/17 practitioner [2] 10/22 23/20 practitioners [13] 10/25 13/9 13/19 14/2 15/1 15/18 16/6 27/15 28/7 30/12 31/10 89/17 98/15 pre [14] 43/22 43/23 86/13 87/4 101/1 101/2 101/13 111/21 113/16 123/2 129/1 147/12 150/18 224/15 Pre-charge [1] 43/23 pre-conviction [1] 101/2 pre-CPS [1] 87/4 pre-crime [1] 101/13 pre-offending [1] 111/21 pre-order [1] 101/1 pre-prosecution [1] 123/2 pre-teen [1] 150/18 pre-teenage [1] 129/1 preceded [1] 32/11 precise [2] 164/15 164/16 precisely [2] 167/11 207/24 predicated [1] 225/1 predict [1] 183/5 predicts [1] 15/16 predominantly [1] 3/9 preferable [1] 216/19 preference [1] 157/13 preferences [1] 224/24 premises [1] 75/3 preoccupation [1] 37/13 preparation [6] 44/7 47/22 49/7 60/11 114/25 115/15 preparatory [2] 47/16 49/11 prepare [1] 17/4 prepared [3] 87/24 217/25 218/2 preparing [6] 15/13 38/7 48/9 123/11 236/23 237/4
---	--	---	--	---

P prescribed [1] 107/20 presence [2] 15/16 125/17 present [20] 2/15 4/12 4/19 7/5 34/18 47/25 67/3 67/22 72/7 78/19 78/25 80/23 81/1 82/5 95/12 104/4 130/5 136/5 173/17 236/6 presentation [27] 28/1 37/6 37/17 39/20 40/13 63/2 63/15 94/23 113/20 115/9 117/13 126/5 126/17 152/25 153/10 173/10 173/13 197/14 206/4 226/13 229/1 231/3 238/4 238/5 238/8 238/9 238/10 presentations [2] 91/18 123/12 presented [2] 33/22 45/9 presenting [7] 19/21 27/1 29/20 32/18 38/8 236/23 236/24 presents [2] 52/16 104/22 press [3] 138/15 157/24 226/19 pressure [8] 192/15 192/16 192/16 201/3 204/10 204/15 212/21 217/7 presumably [3] 93/21 182/7 222/15 presume [1] 210/9 presumption [2] 167/17 171/5 presupposes [1] 86/7 pretended [1] 137/23 pretending [1] 180/17 pretty [7] 89/24 176/25 179/20 184/9 204/14 208/23 224/11 prevalence [1] 154/10 prevalent [2] 68/13 76/21 prevent [57] 6/5 63/23 64/1 64/5 64/8 64/10 64/24 64/25 65/2 65/4 65/5 65/13 65/17 65/18 65/21 65/22 65/22 65/25 65/25 66/21 67/15 68/7 68/16 68/24 68/24 68/25 69/1 69/3 70/5 71/7 71/24 72/1 74/15 77/2 77/3 80/19 83/3 104/21 108/10 108/11 108/18 112/3 112/5 112/11 137/19 146/18 147/2 147/3 152/1 176/11 182/6 192/11 193/22 219/10 231/7 233/8 235/24 preventative [21] 5/12 5/15 64/15 64/16 65/10 68/20 69/22 72/1 73/18 73/19 73/21 77/19 80/17 81/24 82/4 93/23 94/9 97/1 102/7 107/18 199/21 preventing [5] 7/7 53/24 146/25 174/8 227/14 prevention [60] 5/3 6/4 6/6 6/10 6/18 6/24 7/10 8/4 8/14 8/21 8/23 9/10 9/17 9/19 9/24 10/2 10/11 10/18 11/8 12/17 13/2 13/3 13/8 14/19 26/3 27/14 29/16 35/11 36/6 36/8 36/10 53/8 55/19 56/18 68/15 69/7 69/10 72/2 73/23 74/3 74/6 76/10 78/10 80/4 81/22 98/2 98/14 100/16 100/21 143/3 143/5 143/9 145/16 145/25 146/18 146/23 146/23 165/9 190/9 236/2 previous [12] 14/19 49/3 71/5 71/9 71/10 71/15 83/5 124/2 156/20 171/2 192/20 237/1 previously [12] 52/25 58/9 60/10 141/16 143/21 144/5 145/21 150/6 181/16 189/20 196/2 227/7 prides [1] 160/8 priest [1] 215/6 primarily [13] 40/23 46/10 57/11 57/15 63/16 69/3 73/15 132/9 150/6 173/21 190/20 191/1 209/2 primary [16] 37/14 40/7 62/13 65/11 143/9 145/25 146/18 146/22 151/16 161/20 213/10 213/18 213/21 214/11 214/21 214/25 principal [7] 6/5 22/12 26/8 35/21 55/18 59/2 68/20 principally [1] 86/1 principle [6] 116/5 117/6 121/24 154/4 154/22 160/10 principles [5] 12/9 20/13 38/14 45/2 108/13 prior [2] 52/12 74/17 priorities [2] 200/10 206/19 prioritise [2] 73/4 132/5 prioritised [1] 162/9 priority [20] 64/6 162/7 162/8 162/9 162/23 181/1 209/19 213/7 213/10 213/14 213/17 213/18 213/21 213/25 214/12 214/21 214/25 219/12 227/24 231/13 prison [4] 138/10 139/17 139/20 142/9 prisoner [1] 76/1 privacy [3] 155/15 165/12 227/1 private [8] 1/18 75/11 125/11 129/18 147/8 174/2 192/24 193/6 pro [1] 212/6 pro-violent [1] 212/6 proactive [13] 29/1 66/21 67/16 158/3 159/9 165/8 165/17 188/16 188/17 188/18 227/3 229/10 230/20 proactively [6] 27/20 66/8 66/24 67/19 229/6 229/9 probabilities [2] 56/23 102/10 probability [1] 198/14 probably [11] 50/4 104/8 111/11 128/3 155/9 155/11 174/22 181/22 186/1 207/23 212/14 probation [5] 27/6 55/15 55/22 99/24 109/1 problem [36] 91/23 92/1 92/14 95/2 110/12 118/12 129/20 130/5 135/15 143/15 159/15 163/12 166/16 166/23 168/1 168/8 170/5 170/6 170/13 170/22 174/5 177/17 178/8 180/21 190/14 192/2 194/13 201/11 209/4 211/4 211/9 215/16 216/1 216/2 230/22 234/21 problematic [3] 15/12 161/15 167/1 problems [9] 96/21 120/12 135/4 135/22 154/12 162/25 163/19 163/21 194/17 procedures [1] 184/5 proceed [1] 38/23 proceedings [2] 4/2 57/11 process [13] 9/6 21/13 24/21 46/4 59/13 60/20 63/24 66/8 76/9 160/13 169/7 171/17 203/6 processed [1] 11/23 processes [6] 39/18 58/25 63/19 69/2 79/14 82/8 produce [5] 30/20 139/13 141/18 150/9 150/14 produced [4] 134/1 148/4 149/9 149/11 product [1] 150/22 production [1] 178/12 products [1] 150/14 professional [12] 14/4 14/5 15/20 22/5 25/22 28/8 30/23 31/14 32/23 110/23 111/1 111/3 professionals [8] 72/9 78/2 110/17 115/20 120/23 148/3 150/7 231/14 Professor [17] 118/24 124/13 124/14 152/23 152/25 173/2 200/21 210/5 213/6 216/12 221/20 225/17 225/24 228/4 235/4 236/8 238/9 Professor Bram [1] 118/24 Professor Lorna [3] 124/13 152/25 238/9 Professor of [1] 124/14 Professor Smith [1] 236/8 Professor Woods [9] 152/23 200/21 210/5 213/6 216/12 221/20 225/17 225/24 235/4 profile [2] 109/4 203/16 profit [2] 173/20 211/22 profits [1] 208/13 profoundly [1] 123/10 programmatic [1] 211/16 programme [12] 11/16 11/19 13/2 23/6 70/21 71/2 190/11 232/24 235/25 236/3 236/4 236/13 programmes [5] 1/21 22/19 25/4 69/14 82/21 progress [3] 21/6 24/22 64/21 prohibited [3] 22/19 23/8 25/5 prohibition [1] 5/18 project [6] 124/7 124/9 142/12 147/6 200/1 200/2 projects [1] 211/22 prominence [2] 77/14 135/3 promote [1] 17/23 promotes [2] 77/12 77/21 promoting [1] 186/13 prompt [1] 28/15 prompts [2] 13/19 15/7 pronged [1] 228/10 proof [1] 102/9 propaganda [1] 178/12 propensity [1] 80/22 proper [1] 94/9 properly [4] 54/6 85/9 90/12 229/11 property [2] 132/12 132/21 proportion [2] 193/21 194/1 proportionality [1] 164/11 proportionate [11] 4/22 18/12 22/3 22/22 25/6 28/15 36/16 62/10 82/3 102/19 164/1 proportionately [2] 31/4 73/8 propose [2] 51/20 163/25 proposed [2] 17/13 23/18 propositions [1] 213/16 prosecute [4] 38/7 44/17 61/9 114/24 prosecuted [7] 38/10 44/8 48/11 112/23 138/9 182/14 182/18 prosecuting [4] 3/15 37/19 39/13 53/5 prosecution [36] 3/12 18/8 20/9 37/10 37/25 38/5 39/1 41/14 41/20 41/22 42/4 47/4 49/10 51/25 52/22 53/9 54/1 54/3 54/4 54/8 55/1 55/9 58/8 60/15 61/5 61/13 61/17 87/13 94/1 99/4 102/14 111/13 113/3 113/9 114/4 123/2 prosecutions [4] 12/23 18/17 37/23	
---	--

P prosecutions... [1] 69/21 prosecutor [18] 3/12 3/19 38/18 38/25 43/25 44/1 44/25 45/4 45/18 53/12 53/18 53/21 54/2 54/5 55/23 93/14 93/23 94/8 prosecutor's [1] 55/11 prosecutorial [2] 52/3 52/17 prosecutors [24] 3/23 38/9 38/13 38/15 45/3 46/2 47/9 47/20 47/24 49/6 52/25 53/2 53/3 54/14 58/3 58/9 58/14 59/13 60/22 62/4 92/9 103/15 103/19 112/21 prospect [3] 38/19 44/15 60/17 Prosper [1] 45/20 protagonists [1] 199/19 protect [8] 57/7 74/1 94/2 137/18 150/8 150/21 152/2 156/24 protected [2] 187/11 215/19 protecting [5] 36/17 57/2 76/15 129/15 166/14 protection [17] 15/24 24/5 25/20 74/3 74/4 74/7 76/5 120/7 124/22 130/20 132/18 154/16 156/23 166/9 171/22 206/18 207/1 protective [7] 11/6 13/15 15/5 19/15 24/3 70/12 199/21 protects [1] 215/21 protocol [1] 234/14 protocols [2] 75/9 159/2 prove [7] 41/20 41/20 41/22 41/25 42/2 167/18 178/9 proved [1] 49/11 proven [2] 73/7 216/18 proves [2] 83/12 131/21 provide [40] 6/4 8/23 8/25 9/11 9/17 9/20 18/12 19/20 20/3 20/21 21/12 23/2 23/5 25/1 26/16 35/13 36/7 38/19 39/16 42/13 44/15 45/7 50/1 51/21 56/9 61/10 72/8 79/3 94/7 97/24 98/5 116/6 116/11 117/23 122/4	156/6 156/14 170/10 173/16 175/15 provided [8] 31/11 58/15 100/8 109/8 123/11 154/5 197/16 236/21 provider [3] 160/16 165/7 166/2 providers [4] 78/8 160/20 166/20 177/8 provides [14] 2/11 9/24 14/21 14/24 18/8 20/17 22/17 25/2 67/6 68/4 68/20 70/11 71/22 116/6 providing [12] 4/6 11/6 31/14 59/12 65/14 67/25 70/14 78/1 95/2 116/1 155/12 157/7 provision [8] 8/19 27/23 59/4 69/1 75/3 116/14 166/11 225/19 provisions [7] 56/16 75/13 87/6 101/20 115/11 158/14 168/16 proviso [1] 59/21 proxies [1] 75/5 public [46] 15/24 24/5 25/20 37/22 38/24 39/1 39/3 40/17 44/16 44/21 53/19 54/2 54/6 55/10 55/12 56/2 57/2 57/8 61/14 62/6 70/5 74/4 76/15 77/10 92/10 93/4 114/8 114/8 118/14 120/7 124/12 125/11 142/14 147/21 155/22 157/24 172/20 174/2 182/12 192/24 203/11 203/12 215/13 219/4 219/16 232/21 public's [1] 232/25 publication [2] 129/18 188/12 publicly [7] 175/3 177/23 180/23 183/23 187/10 193/2 230/5 publicly available [1] 183/23 publish [1] 93/6 published [2] 2/23 93/8 publisher [1] 215/3 publishing [1] 213/12 pulled [1] 190/21 pulling [1] 220/21 punished [1] 138/9 purchase [2] 46/24 57/25 purchased [1] 48/18 purely [4] 70/3 128/18 132/1 191/1 purple [1] 120/4	purpose [13] 15/15 25/14 41/9 47/19 48/1 57/2 104/24 128/6 136/5 150/16 174/2 178/14 212/1 purposeful [1] 202/21 purposes [4] 13/17 40/13 84/25 183/10 pursuant [1] 60/9 pursue [1] 199/20 push [2] 184/24 213/8 pushing [2] 217/22 228/22 put [16] 37/17 41/21 44/21 75/5 75/12 75/13 84/8 84/23 104/8 109/21 114/16 170/11 213/9 221/15 226/23 236/1 putting [4] 89/18 155/18 207/9 219/17 Q Qaeda [4] 46/21 48/7 177/7 185/25 Quakeric [1] 46/13 qualification [2] 18/2 22/8 qualitative [1] 39/17 quality [8] 18/5 20/10 22/5 25/21 29/6 36/11 58/21 163/24 quantify [1] 177/18 QuantSpark [1] 125/22 quaternary [1] 146/22 question [62] 33/18 35/4 36/14 42/21 43/2 51/2 51/11 52/2 56/5 58/2 58/11 59/3 61/4 84/6 84/22 84/25 86/4 87/14 88/22 88/24 91/16 91/23 91/25 92/13 93/2 96/9 96/13 96/20 98/23 103/16 103/18 104/19 108/22 112/14 114/12 159/20 160/7 161/8 163/10 164/14 165/16 165/22 196/7 198/9 198/18 199/9 200/5 202/1 205/6 207/3 208/3 213/5 214/9 214/18 218/6 221/15 227/20 228/3 233/5 233/7 235/19 235/22 questioning [1] 123/13 questions [24] 4/17 14/2 40/1 62/16 64/3 83/17 83/18 84/4 84/4 88/22 97/17 99/7 121/17 121/20 123/4	162/4 195/8 195/11 197/13 198/23 201/7 204/25 216/4 231/18 quickly [1] 27/20 quietly [1] 89/1 quite [47] 89/16 98/14 115/13 134/2 138/10 141/24 148/2 148/24 153/3 153/9 153/24 157/1 157/12 158/12 165/11 167/20 167/22 171/16 174/16 178/1 179/14 179/19 184/12 185/4 187/6 187/23 201/2 201/15 202/20 207/17 208/12 212/16 212/17 214/23 216/21 217/17 218/5 218/10 222/9 223/7 224/3 224/10 226/1 226/10 229/25 230/6 235/9 R racial [1] 41/10 racism [1] 128/21 radicalisation [12] 13/22 135/8 135/9 135/10 176/16 178/12 182/21 183/5 183/8 187/4 193/24 234/19 radicalisation/mobilisation [1] 187/4 radicalise [2] 186/14 223/10 radicalised [5] 182/7 190/7 190/22 191/7 191/14 radicalising [2] 187/20 192/12 raise [5] 9/1 31/23 148/1 148/16 232/21 raised [9] 9/15 67/4 67/23 91/17 98/22 111/18 213/11 227/21 232/18 raising [1] 69/12 ramps [1] 70/14 ran [1] 156/20 RAND [1] 124/24 random [2] 182/2 191/15 range [27] 1/19 3/16 16/20 25/11 26/6 35/11 39/2 42/9 47/8 57/22 63/19 68/2 130/4 142/17 147/6 156/18 158/25 163/20 170/4 174/18 174/19 183/9 183/22 186/19 210/24 215/19 228/19 ranging [1] 226/1 ranking [1] 77/14 ransom [1] 4/9 ransomware [3] 95/16 130/2 133/5	rape [1] 40/25 rarely [1] 79/20 rate [2] 70/19 71/4 rates [3] 70/24 71/7 83/8 rather [32] 5/15 9/13 10/14 10/23 16/24 30/6 33/16 41/18 41/25 42/16 45/24 54/7 57/12 61/21 70/9 86/4 86/25 87/13 87/18 92/20 92/25 93/18 121/16 123/1 157/15 171/20 183/4 198/23 203/20 217/1 222/15 236/12 rattle [1] 218/14 raw [1] 215/8 re [14] 11/1 48/17 70/22 70/24 71/1 71/2 71/4 71/7 71/11 77/17 83/8 111/6 146/24 147/2 re-direct [1] 77/17 re-enact [1] 48/17 re-engagement [1] 11/1 re-offend [3] 70/22 71/1 71/2 re-offended [1] 71/11 re-offending [6] 70/24 71/4 71/7 83/8 146/24 147/2 re-trying [1] 111/6 reach [2] 151/1 160/2 reached [4] 36/20 72/6 76/23 98/6 reaching [1] 113/15 reactive [1] 9/24 readily [2] 46/2 87/2 reading [1] 197/15 real [25] 60/4 80/8 85/15 90/8 130/4 130/12 130/24 131/17 132/21 134/6 138/2 140/25 142/2 145/5 145/24 146/4 147/20 149/7 168/8 187/18 198/12 198/19 206/14 207/20 232/12 realism [1] 116/18 realistic [4] 38/19 44/15 60/17 199/3 reality [1] 195/22 really [60] 11/8 42/3 85/10 88/24 90/25 97/5 100/24 103/11 105/22 106/1 116/6 116/8 119/20 120/6 122/1 128/25 129/9 131/8 131/10 131/15 133/25 135/25 139/21 141/12 142/6 142/13 142/15 147/4 147/10 148/21 149/2 150/25 151/4 152/6 162/22
---	--	---	--	---

R	19/9	Referral Orders [1] 5/9	153/18 173/17 188/11	39/2 48/14 52/1 54/21
really... [25] 166/7	reconcile [1] 214/24	referrals [18] 14/13	200/22 210/3 212/23	56/25 58/12 58/20
178/5 179/9 180/21	record [3] 64/23 65/3	31/8 32/25 33/7 33/14	216/14 221/21 227/18	70/12 70/16 72/5
182/4 182/8 182/15	118/2	34/7 34/24 65/25 66/1	rehabilitating [1] 57/8	153/11 162/17 162/17
182/17 183/3 186/5	recording [1] 33/17	66/17 66/19 69/15	rehabilitation [8] 5/10 17/15 17/22	205/11
186/17 188/7 190/1	records [4] 64/10	78/4 118/2 145/9	22/11 22/11 24/13	reliant [1] 6/19
190/17 192/23 195/12	182/12 182/13 182/16	196/14 196/16 206/23	25/2 57/20	relies [3] 72/3 78/18
200/6 203/17 206/15	recovered [1] 49/14	referred [15] 7/15	reinforce [1] 184/14	81/25
207/17 212/16 213/2	recruit [2] 186/14	10/10 12/24 13/2 14/9	reinforces [1] 140/13	relieved [1] 168/4
223/6 230/24 236/18	223/10	29/11 46/4 52/8 52/14	reintegration [1] 20/14	religious [2] 41/9
realms [1] 89/12	recruiting [1] 187/20	62/2 65/4 83/3 195/15	rejected [2] 64/14	47/3
reason [11] 4/5 19/11	recruitment [1] 178/13	197/13 219/24	64/17	relocating [1] 233/10
93/9 93/16 100/24	recurring [3] 27/18	referring [2] 66/25	related [23] 7/12 28/3	reluctance [1] 193/17
132/4 199/11 203/20	32/2 33/5	67/19	48/15 52/4 52/16	reluctant [2] 203/9
218/6 218/12 222/14	red [1] 120/4	refers [3] 164/8	59/16 66/10 71/6	203/13
reasonable [2] 50/25	redirected [2] 33/7	169/13 196/12	76/12 78/25 80/11	rely [2] 24/24 28/7
158/15	34/12	reflect [9] 45/5 46/9	109/18 111/8 156/25	relying [3] 159/17
reasonably [2] 26/6	redirecting [1] 200/9	50/6 59/14 103/1	162/25 186/2 186/9	167/25 216/24
200/3	redress [1] 169/18	113/4 113/6 115/6	186/13 189/3 189/12	remain [10] 4/22
reasons [6] 42/11	reduce [15] 10/12	115/13	191/18 198/2 207/23	28/11 30/2 33/2 33/9
93/21 182/24 193/16	12/5 13/21 14/17 20/6	reflected [1] 19/7	relates [3] 81/22	59/10 64/20 72/7
211/5 222/12	57/5 65/15 66/12	reflection [4] 61/21	170/21 195/20	82/18 236/14
reassurance [1] 143/10	70/19 75/19 77/7	114/11 114/14 114/15	relating [20] 10/7	remained [1] 82/2
reassure [1] 227/1	77/10 78/9 106/2	reflections [1] 92/11	17/10 20/25 23/4	remains [7] 7/4 8/2
reassuring [1] 219/16	150/1	reflective [2] 50/14	24/14 27/2 52/15	29/15 63/13 80/13
rebalancing [1] 160/5	reduced [5] 189/16	60/24	56/17 61/5 84/9 87/6	83/13 123/23
recall [2] 165/19	189/18 201/3 208/7	reflects [1] 89/10	153/5 155/13 155/22	remand [4] 75/15
165/20	208/14	refusal [1] 80/16	158/8 166/9 175/13	75/17 75/20 75/21
receive [2] 6/24	reduces [1] 78/10	refuse [1] 82/4	176/9 181/5 210/6	remarks [2] 50/16
114/14	reducing [2] 11/7	refused [1] 80/19	relation [45] 48/3	231/2
received [6] 6/7 32/3	77/14	regard [6] 50/11 56/3	48/6 50/9 50/19 51/2	remedies [1] 165/22
64/5 64/9 64/16 99/10	reduction [2] 25/15	57/11 95/3 175/7	51/11 57/13 60/11	remedy [1] 226/24
receives [1] 5/7	73/24	227/17	60/17 85/4 86/8 87/12	remember [1] 138/5
receiving [4] 6/17	refer [13] 44/10	regarding [2] 3/20	88/17 88/21 90/22	remind [1] 204/21
145/9 161/1 226/14	46/14 48/16 59/18	76/14	91/2 91/10 93/2 93/7	reminder [1] 205/13
recent [3] 80/18	59/23 131/23 133/16	regards [12] 99/9	103/6 106/19 113/23	remit [6] 37/16 39/11
208/8 216/23	150/2 206/24 219/9	184/6 192/5 193/14	114/20 115/12 115/14	39/12 51/7 87/9 101/7
recently [6] 3/3 174/6	221/9 229/17 231/2	200/5 202/5 213/25	122/25 155/1 155/3	remote [1] 75/9
176/12 225/10 227/12	reference [3] 40/5	222/20 233/18	157/18 157/19 158/7	removal [9] 63/25
232/18	41/1 59/19	regime [4] 153/18	159/9 161/2 161/3	77/11 171/6 176/8
recognise [9] 8/14	referenced [3] 52/25	156/3 201/13 216/22	161/11 162/21 165/25	188/24 208/22 233/8
14/7 30/17 40/7 77/24	59/5 222/17	region [1] 162/14	167/15 168/18 169/15	233/19 234/16
93/3 143/1 232/9	references [1] 49/1	regional [5] 58/24	172/11 197/8 198/20	remove [6] 77/11
233/20	referral [57] 5/9 6/13	79/6 121/8 144/24	201/10 215/2	174/15 187/22 188/6
recognised [6] 36/15	6/20 8/3 8/19 17/14	144/25	relationship [6] 10/21 58/24 111/2	188/14 188/15
40/18 45/14 66/18	18/22 19/9 20/13	regions [2] 66/18	197/20 212/20 232/18	removed [9] 48/2
90/6 125/19	20/15 20/20 21/2	66/20	relationships [8] 11/25 12/10 30/22	49/12 175/14 192/17
recognising [3] 39/20 148/9 174/3	21/19 21/24 21/24	registries [2] 172/6	36/12 137/20 141/15	202/11 209/10 209/14
recognition [2] 170/14 185/12	22/10 23/13 23/13	172/11	159/17 227/7	234/9 234/21
recommend [5] 19/4	24/13 24/15 24/23	registry [1] 172/14	relatively [4] 94/5	removing [4] 77/9
19/19 115/21 185/2	25/11 26/10 27/11	regular [4] 24/21	141/10 142/19 222/10	188/21 192/3 233/14
229/5	27/13 29/21 34/11	89/9 89/9 89/20	release [1] 157/24	rendering [1] 170/20
recommendation [3] 18/5 30/10 56/12	34/25 43/21 63/23	regularly [1] 234/3	released [3] 150/10	renown [1] 185/12
recommended [3] 22/21 55/22 158/7	64/4 64/4 64/5 64/9	regulate [2] 160/24	176/11 179/6	repair [1] 21/3
recommender [6] 158/11 159/8 160/5	64/23 64/24 65/3	163/4	relevance [2] 32/7	reparation [1] 20/14
161/25 228/21 229/2	65/21 66/22 67/16	regulated [3] 153/20	230/14	repeat [3] 96/8
recommends [1]	79/14 79/24 84/21	226/6 226/17	relevant [19] 13/21	139/12 237/1
	85/2 86/8 88/7 88/7	regulation [7] 124/15	15/2 15/8 17/5 27/18	repeated [1] 48/25
	89/5 89/14 89/15	124/21 124/25 125/1		repeatedly [1] 30/22
	90/10 108/14 109/11	188/19 208/10 210/4		repetitive [1] 126/25
	116/16 117/17 117/20	regulator [3] 157/6		replace [3] 14/5 26/2
	118/3	160/9 161/5		44/21
	Referral Order [6] 21/2 21/24 22/10 85/2	regulators [1] 209/14		report [19] 17/4 17/7
	88/7 89/15	regulatory [10] 114/2		78/2 118/18 133/25

R	reserved [1] 17/25 reside [1] 75/3 residence [1] 22/20 residual [4] 81/12 81/22 82/6 234/16 resilience [2] 77/8 78/11 resolution [5] 19/22 54/18 55/5 125/10 174/7 resolutions [9] 2/22 5/21 12/20 12/21 12/22 12/23 18/14 18/16 54/16 Resolver [1] 134/1 resolving [1] 25/13 resounding [1] 202/3 resource [4] 118/10 120/2 131/7 221/25 resourced [3] 30/6 200/11 220/18 resources [8] 8/12 8/18 116/25 117/1 180/5 194/2 194/17 200/10 resourcing [2] 100/20 194/11 respect [3] 73/25 108/17 121/21 respector [1] 140/16 respecting [1] 125/21 respective [1] 71/12 respects [1] 153/25 respond [11] 4/19 21/4 31/3 77/24 132/24 133/2 145/7 145/18 190/12 191/23 192/16 responding [4] 7/4 37/12 157/25 168/12 response [48] 7/18 9/7 18/10 18/12 20/4 26/16 28/24 29/24 30/21 31/9 31/13 31/25 33/1 33/15 35/5 56/12 63/7 74/8 81/2 81/8 88/25 110/15 110/16 114/19 124/8 124/9 125/10 127/4 129/22 131/13 132/6 132/15 145/15 151/4 152/9 152/11 159/2 160/16 175/12 192/18 197/18 197/20 199/20 200/18 205/15 205/18 228/11 231/4 responses [5] 35/9 36/2 161/16 162/10 168/7 responsibilities [4] 38/3 81/24 82/15 221/2 responsibility [12] 2/4 8/10 28/17 28/22 30/7 78/23 121/4	122/14 148/15 189/5 190/2 231/24 responsible [7] 2/19 29/24 37/19 58/10 82/10 145/8 180/12 responsive [2] 176/8 211/10 rest [3] 85/13 199/2 237/13 restoration [1] 20/14 restorative [1] 12/2 restrict [2] 177/23 180/23 restricted [1] 201/15 restrictions [5] 21/14 74/18 89/6 89/22 102/17 restrictive [3] 22/25 25/8 25/13 restrictively [1] 118/20 restricts [1] 161/10 result [19] 28/13 46/11 55/1 74/21 75/25 84/15 169/23 178/1 188/10 189/13 190/4 190/5 200/9 200/9 203/22 220/7 220/17 230/18 234/25 resulted [1] 84/11 results [6] 77/10 77/15 157/17 165/6 175/9 175/11 resume [2] 152/17 237/16 resumed [1] 123/19 return [1] 74/22 returned [2] 2/10 64/24 reveal [1] 237/15 revealed [2] 48/21 84/17 revenue [3] 164/21 164/23 224/23 reverse [1] 208/9 review [15] 15/1 22/6 24/21 25/22 28/16 32/5 39/9 60/14 60/21 89/21 110/20 161/2 171/10 217/10 226/15 reviewed [1] 32/10 Reviewer [1] 56/13 reviewing [1] 38/5 reviews [4] 21/7 32/22 36/10 217/20 revised [1] 40/8 RHYOBASALT [8] 124/7 142/12 144/22 147/6 200/1 200/7 236/2 236/2 Richardson [23] 124/5 124/7 125/25 125/25 126/5 126/7 152/14 185/13 195/12 195/14 199/8 205/6 210/19 212/25 216/10	218/23 221/4 227/5 230/25 233/5 234/2 235/23 238/8 Richardson's [1] 229/1 ricin [1] 46/24 rid [1] 228/13 Ridge [1] 225/10 ridiculous [1] 167/16 right [34] 24/11 38/10 38/10 60/6 67/13 80/3 85/3 88/18 97/7 97/13 105/24 109/9 116/4 116/10 116/25 128/17 133/11 136/8 139/6 163/11 169/17 171/10 176/2 176/4 176/7 188/5 196/3 197/17 198/8 202/23 222/6 222/8 231/18 235/10 right-wing [3] 60/6 128/17 136/8 rightly [3] 50/8 148/24 156/25 rights [2] 125/22 172/21 rigid [1] 164/16 riots [1] 158/23 RIPA [8] 85/17 193/17 193/18 203/1 203/5 203/6 222/17 222/21 rise [5] 36/24 152/18 173/4 194/25 237/19 risk [153] 4/19 6/9 7/1 7/5 7/17 10/6 10/12 11/7 13/12 13/24 14/25 15/5 15/22 15/25 17/13 17/24 18/4 20/6 20/12 21/25 24/9 25/13 25/15 27/21 32/9 32/18 33/12 34/9 34/22 35/14 36/14 39/15 40/6 43/19 44/19 50/6 50/13 51/20 52/5 52/11 52/17 53/14 53/16 55/7 55/14 55/16 56/7 56/10 56/14 57/3 57/5 58/4 58/10 58/11 59/8 61/20 61/24 63/6 63/20 63/25 65/1 65/5 65/5 65/7 65/9 65/16 65/20 66/25 67/3 67/19 67/22 68/6 68/11 68/17 68/21 69/15 70/12 72/17 72/24 73/4 73/14 75/12 75/14 75/19 75/23 76/21 78/4 78/16 79/2 79/15 79/16 79/19 79/19 79/23 80/3 80/14 80/15 81/10 81/12	81/20 81/22 82/6 82/18 83/9 83/13 83/15 90/8 94/6 95/8 95/23 96/13 100/11 103/25 104/7 104/12 104/21 106/4 106/15 106/17 106/20 108/4 108/14 109/4 109/14 109/21 111/25 114/5 114/17 114/18 116/15 117/18 118/7 118/7 119/13 120/11 120/15 120/20 121/25 145/6 145/20 147/25 154/8 163/17 163/18 178/21 178/21 178/24 196/14 206/17 219/13 228/14 233/10 236/1 risk-laden [1] 108/4 riskiest [2] 105/14 155/20 risking [1] 219/15 risks [17] 19/14 22/4 22/17 27/9 39/19 66/9 66/12 68/2 76/12 78/8 78/15 78/20 78/25 80/12 121/14 147/21 147/22 risky [1] 118/22 Rob [3] 124/4 126/7 163/14 Roblox [1] 185/21 robust [1] 61/10 ROCU [1] 81/7 ROCUs [1] 81/2 role [29] 1/18 1/21 2/5 3/17 5/14 5/24 6/1 11/9 39/13 43/11 52/10 55/24 56/1 99/1 99/3 99/5 103/20 103/24 113/21 135/2 135/24 136/12 157/7 158/11 176/12 182/9 182/21 192/11 228/20 roles [4] 1/19 2/3 8/12 59/10 roll [1] 166/12 rolls [1] 167/8 room [1] 148/23 rooms [1] 137/5 rooted [2] 116/9 120/20 round [3] 187/19 201/5 231/17 route [10] 11/11 20/9 27/16 29/21 31/11 61/12 68/4 159/16 169/18 230/16 routes [5] 7/8 8/19 29/2 66/18 72/14 Royal [2] 149/11 162/12 rule [1] 164/13 rules [8] 88/20 132/25 158/8 166/9 170/12 172/10 209/3
----------	--	---	---	--

R	same [24] 25/1 33/18 33/25 50/3 56/17 60/13 90/25 91/2 94/22 97/3 99/12 103/16 107/17 119/3 122/23 130/20 144/19 145/8 149/7 154/21 166/25 179/5 185/10 219/16 Satanist [1] 141/11 satisfied [6] 38/18 44/25 54/2 54/6 56/23 167/21 satisfy [1] 154/5 satisfying [1] 157/11 save [1] 173/25 saw [6] 127/18 127/23 128/2 134/23 216/14 225/9 say [54] 4/7 41/17 85/3 86/7 86/18 95/13 98/11 106/8 107/4 109/6 109/13 111/17 112/8 114/7 114/16 119/5 142/19 153/10 156/3 156/4 159/25 160/22 161/19 168/5 171/4 174/10 176/10 177/12 177/20 177/22 181/16 189/3 189/15 190/2 191/13 192/24 193/1 193/13 200/23 202/21 204/20 207/15 210/6 212/16 214/10 217/14 217/17 223/18 225/7 228/15 229/10 230/18 233/22 234/17 say: [1] 119/12 say: good [1] 119/12 saying [12] 157/24 158/14 159/2 164/8 166/11 168/22 169/19 170/10 184/20 187/14 214/7 226/17 saying: [1] 223/25 saying: we [1] 223/25 says [6] 119/21 154/1 156/8 157/10 164/12 166/2 scale [15] 145/19 152/5 159/23 177/25 179/2 179/4 184/16 191/10 202/18 211/5 211/14 222/2 231/7 233/14 233/18 scams [1] 172/8 scandal [1] 232/17 scarcity [2] 117/1 120/2 scenario [3] 86/6 86/16 87/3 schedule [3] 62/19 152/15 237/8 scheduled [1] 152/16 scheme [1] 108/2	school [5] 11/22 15/10 34/12 190/11 190/16 schoolchildren [2] 190/12 230/8 schools [4] 58/18 67/1 67/20 73/16 scientists [1] 231/6 scope [7] 50/6 128/5 152/4 178/10 188/23 188/24 218/18 score [3] 136/20 136/21 136/23 scratching [1] 146/20 screen [1] 135/11 scrutinise [1] 202/23 search [11] 77/10 77/14 77/15 154/1 154/2 155/1 155/9 155/17 165/2 165/6 203/16 searched [1] 46/25 searches [1] 224/8 searching [2] 77/17 207/12 second [27] 3/10 3/10 4/20 32/16 38/24 52/2 57/14 61/4 67/9 84/7 84/22 84/23 91/11 96/8 98/19 104/15 124/13 132/19 136/11 154/16 196/7 198/22 198/24 200/5 202/1 202/25 204/18 second is [1] 202/25 secondary [5] 143/9 145/25 146/22 151/17 176/15 secondly [4] 175/15 196/21 219/17 222/16 secret [1] 207/11 secretive [2] 223/11 223/12 section [27] 13/18 17/16 47/21 48/6 49/5 49/7 49/15 49/16 49/21 49/25 50/3 50/20 50/21 50/24 55/17 60/9 61/2 161/9 162/19 168/19 169/13 170/2 170/15 196/8 196/9 196/10 201/20 section 1 [1] 49/5 section 100 [1] 168/19 section 102 [2] 170/2 170/15 section 127.1 [1] 162/19 section 3 [1] 169/13 section 37 [1] 55/17 Section 393 [2] 161/9 201/20 section 5 [4] 47/21 49/7 50/3 60/9	section 58 [8] 48/6 49/15 49/16 49/21 49/25 50/20 50/21 50/24 sector [3] 125/20 147/8 193/6 sectors [1] 125/11 securing [1] 237/10 security [7] 125/10 125/19 173/21 173/22 174/6 193/21 220/12 see [54] 74/21 85/11 89/9 89/13 92/16 95/23 119/13 120/23 126/18 126/24 127/3 128/12 128/20 129/8 129/20 130/11 131/4 131/18 131/22 132/9 134/20 135/11 136/16 136/20 136/21 137/22 138/14 139/10 139/10 140/8 140/24 142/1 142/16 149/15 151/5 153/2 154/23 155/8 156/20 163/11 167/10 171/24 173/17 179/19 187/18 191/3 196/12 212/24 213/22 214/16 216/3 217/18 219/25 228/1 seeing [15] 74/19 81/16 90/20 127/19 130/25 133/18 137/5 140/16 171/14 180/8 180/15 180/16 180/18 198/1 223/23 seek [5] 51/15 58/13 106/11 126/1 228/22 seeking [3] 47/17 91/13 127/10 seeks [2] 14/16 124/9 seem [3] 126/25 171/16 171/18 seemed [1] 121/17 seems [2] 166/19 169/11 seen [9] 126/14 129/8 162/1 162/12 166/8 181/16 214/17 226/18 232/25 segmentation [1] 212/15 select [1] 45/4 selecting [1] 55/24 selection [2] 103/3 103/7 self [9] 74/10 124/25 129/3 140/20 153/13 176/15 189/8 234/5 235/10 self-evident [1] 176/15 self-explanatory [1] 74/10 self-harm [6] 129/3	140/20 153/13 189/8 234/5 235/10 selling [1] 235/16 seminar [9] 1/7 1/11 2/15 4/13 13/17 87/5 123/8 123/22 179/24 seminars [6] 90/1 123/15 124/2 237/2 237/5 237/8 send [4] 217/4 224/9 229/24 230/24 senior [1] 2/3 sense [14] 132/1 135/14 135/18 135/19 136/2 153/9 202/3 202/6 203/3 203/15 214/12 223/14 224/18 224/19 senses [1] 183/6 sensitive [2] 38/22 44/4 sent [2] 65/22 197/14 sentence [18] 14/24 17/17 18/1 18/2 20/17 22/12 22/25 24/8 24/17 25/9 41/16 47/23 48/13 50/11 50/13 76/1 93/15 141/4 sentenced [2] 26/1 50/9 sentences [15] 5/8 5/11 5/16 5/23 16/21 16/23 17/3 17/14 17/16 17/18 17/19 17/20 17/24 99/2 139/20 sentencing [9] 16/17 17/12 17/21 45/7 50/1 50/15 50/16 50/17 139/25 sentiment [1] 213/3 separate [3] 72/2 207/20 214/19 separately [1] 74/25 September [1] 1/1 series [3] 141/10 151/9 204/25 serious [63] 3/21 4/19 7/5 9/23 15/9 15/11 15/17 16/16 16/22 16/23 17/16 17/25 19/2 19/3 19/21 22/1 23/5 23/21 24/14 25/10 27/2 29/5 32/3 32/4 32/10 34/1 35/8 36/10 38/22 42/3 42/24 43/9 44/4 45/16 46/5 47/14 50/8 52/6 52/21 52/24 54/12 56/17 57/3 58/5 61/20 61/25 62/3 63/14 63/20 73/23 73/24 80/5 84/15 85/20 94/6 127/17 172/11 172/24 199/13 199/16 211/2
----------	---	--	---	--

S	230/13	shorthand [2] 138/14 138/15	similarly [6] 32/2 130/16 144/17 146/15 217/25 236/3	slides [5] 68/8 126/2 127/14 148/22 192/20
serious... [2] 213/13 235/10	several [5] 27/19 28/22 31/7 32/23 185/13	shortly [2] 73/13 196/2	simple [14] 4/25 18/18 45/10 95/14 102/11 133/14 133/18 141/2 199/10 200/6 206/6 224/10 229/2 236/5	slightly [8] 110/4 164/11 183/20 198/21 219/3 219/8 232/15 233/2
seriously [1] 212/24	severe [1] 83/6	should [79] 4/1 7/23 9/7 9/11 9/18 11/5 11/11 14/16 15/21 17/21 17/22 20/1 20/2 20/4 20/7 22/1 22/2 22/21 23/18 24/1 24/2 28/12 28/14 28/15 30/1 30/3 31/6 33/24 36/2 36/4 45/4 53/3 61/18 61/20 84/10 86/1 99/23 103/8 105/2 105/22 105/22 110/24 117/24 118/1 118/4 122/1 143/20 155/4 156/7 156/8 158/16 159/3 159/3 162/9 170/15 171/19 175/20 176/14 177/12 179/12 180/5 180/9 187/9 188/6 188/21 189/6 189/9 190/12 200/24 200/25 208/21 208/21 215/8 215/22 224/13 224/18 229/17 234/21 234/24	since [3] 70/6 125/19 162/11	small [12] 98/6 150/25 174/13 178/7 180/3 202/9 210/18 211/8 211/21 211/23 214/11 218/11
seriousness [6] 13/20 39/4 45/5 113/5 113/6 115/6	severity [1] 74/13	show [6] 14/1 32/22 71/13 83/8 167/23 205/12	single [14] 8/16 27/7 28/5 35/25 78/1 78/17 79/18 79/21 115/23 116/7 217/6 227/24 228/6 232/14	smaller [2] 174/18 211/1
servants [1] 193/17	sextortion [4] 132/9 132/15 140/25 206/12	showed [1] 201/12	singular [1] 178/24	smallest [1] 106/5
served [2] 2/6 54/7	sexual [31] 60/1 74/6 94/14 95/8 95/23 96/13 109/18 111/25 124/5 128/8 128/12 128/14 128/15 129/5 130/6 130/8 132/11 136/12 136/13 136/15 136/16 138/25 140/11 145/10 149/5 150/9 170/4 188/20 206/21 206/24 227/10	showing [4] 11/20 100/4 148/22 231/25	sir [25] 1/6 1/11 4/1 36/22 37/4 62/18 62/25 67/13 83/19 84/2 84/4 86/6 95/20 122/21 123/4 123/22 124/3 125/24 139/12 152/15 152/23 173/2 194/23 195/7 237/16	Smith [2] 146/5 236/8
server [1] 138/24	Seychelles [1] 3/18	shown [2] 5/1 229/25	sit [12] 24/5 25/19 71/18 79/20 114/18 122/11 153/6 194/25 220/3 220/6 221/6 221/6	so [351]
service [58] 3/12 5/2 5/8 5/25 6/14 6/20 8/4 8/5 8/21 10/10 12/25 14/11 15/23 17/2 17/4 17/11 18/22 18/24 19/9 27/12 29/11 30/18 33/10 34/10 35/2 35/16 37/10 37/25 99/4 99/21 99/22 100/12 111/4 113/3 146/19 154/19 155/17 156/2 157/4 160/16 164/5 165/7 165/24 166/1 166/2 166/4 166/6 166/12 166/20 171/8 175/22 177/8 188/22 208/25 209/3 209/9 209/16 210/7	Shabaab [1] 174/8	shows [4] 4/25 105/6 217/21 230/19	sit [12] 24/5 25/19 71/18 79/20 114/18 122/11 153/6 194/25 220/3 220/6 221/6 221/6	so-called [4] 177/4 202/18 211/16 234/16
service's [1] 166/1	shadow [1] 162/23	shut [1] 202/18	sits [9] 11/9 61/25 81/19 82/19 120/24 143/23 144/23 205/15 205/21	social [29] 1/20 2/1 7/16 10/3 10/9 10/13 11/20 14/15 27/5 31/16 34/19 57/16 58/17 66/3 67/1 67/20 73/25 74/5 79/9 99/14 109/25 124/22 134/14 148/14 153/21 183/16 196/16 224/22 231/24
services [65] 1/25 2/20 3/9 4/23 5/5 5/13 6/3 6/16 7/24 8/9 8/15 8/18 10/3 11/15 13/4 14/8 14/10 19/6 27/3 30/3 30/8 31/3 31/7 31/17 32/7 34/3 35/16 35/17 58/17 67/1 67/20 68/5 77/19 78/5 79/10 99/14 99/19 100/8 100/9 101/21 101/21 102/1 109/25 118/14 125/18 153/19 153/21 154/17 154/22 155/8 155/19 155/21 157/5 157/10 157/19 159/1 160/25 164/9 165/17 166/6 166/7 177/15 196/16 216/4 220/13	shaped [1] 105/2	siblings [1] 129/6	site [1] 214/13	socially [3] 133/21 134/7 134/16
service's [1] 166/1	share [16] 30/9 66/11 109/11 109/14 109/20 122/15 136/23 140/10 144/6 161/11 161/13 197/6 200/16 201/16 201/22 209/14	side [2] 73/14 120/23	sites [6] 85/12 141/17 183/24 206/6 212/14 214/10	soft [1] 204/22
services [65] 1/25 2/20 3/9 4/23 5/5 5/13 6/3 6/16 7/24 8/9 8/15 8/18 10/3 11/15 13/4 14/8 14/10 19/6 27/3 30/3 30/8 31/3 31/7 31/17 32/7 34/3 35/16 35/17 58/17 67/1 67/20 68/5 77/19 78/5 79/10 99/14 99/19 100/8 100/9 101/21 101/21 102/1 109/25 118/14 125/18 153/19 153/21 154/17 154/22 155/8 155/19 155/21 157/5 157/10 157/19 159/1 160/25 164/9 165/17 166/6 166/7 177/15 196/16 216/4 220/13	shared [11] 15/24 29/2 33/13 80/14 144/9 145/11 161/9 164/24 167/13 175/10 231/13	sides [2] 120/11 120/16	skilled [2] 72/14 130/19	software [3] 175/24 179/8 222/8
session [10] 37/11 83/19 83/20 84/1 84/3 194/24 195/5 195/7 238/6 238/11	sharing [37] 14/6 14/13 22/7 24/10 27/5 27/17 28/17 29/2 36/13 58/19 69/24 79/24 81/13 108/15 121/25 127/20 127/23 128/2 128/6 128/12 128/15 128/17 128/19 129/9 129/10 130/2 133/5 136/5 136/7 144/19 145/4 164/21 176/22 183/23 201/14 206/13 212/4	sign [1] 139/7	skip [1] 189/2	solely [3] 6/15 18/24 78/13
set [21] 5/3 5/5 72/2 75/3 94/25 109/20 114/8 120/2 143/12 143/25 144/18 147/6 157/4 158/21 160/13 177/10 177/13 186/9 201/8 205/16 218/18	she [24] 1/15 1/17 1/20 1/24 1/25 2/1 2/3 2/6 2/9 2/17 2/21 3/3 3/12 3/15 3/17 3/22 4/4 104/3 124/15 124/17 124/19 124/22 125/3 185/15	signal [2] 71/23 230/11	sitting [2] 99/12 108/25	solicitor [1] 124/18
sets [1] 54/16	she's [1] 2/25	signals [3] 191/4 191/15 191/17	situation [2] 51/3 107/3	solitary [1] 84/18
settings [1] 34/18	sheer [1] 202/12	significance [1] 142/7	six [1] 142/9	solution [1] 228/16
seven [1] 230/13	Shenaz [1] 3/11	significant [19] 7/20 8/11 17/2 28/10 28/21 32/17 63/9 66/3 89/16 90/6 130/5 166/13 199/16 204/10 204/21 213/20 217/15 220/14 222/24	six years [1] 142/9	solutions [1] 163/20
seven days [1]	shift [1] 119/21	significantly [3] 107/22 208/13 229/6	sizes [2] 175/16 211/20	solve [2] 143/14 192/23
	shining [1] 162/23	signs [5] 11/20 139/3 205/10 205/11 206/5	Sizoo [1] 118/24	solves [1] 163/11
	shooting [1] 45/21	silos [2] 117/4 120/1	skilled [2] 72/14 130/19	Somalia [1] 174/7
	short [14] 37/1 38/9 62/22 70/18 83/24 89/4 123/17 126/16 152/20 173/6 195/3 195/11 204/8 209/17	similar [10] 56/16 87/7 95/7 98/2 113/13 141/4 169/2 182/8 206/19 206/22	slide [17] 4/25 14/19 14/20 15/7 16/17 17/3 24/12 26/24 30/11 127/12 136/19 138/2 141/16 156/20 172/2 186/22 196/7	some [155] 5/12 6/14 6/17 7/20 8/18 11/14 13/4 16/23 18/22 21/17 23/25 26/19 27/25 30/9 30/11 33/22 52/20 60/6 69/21 76/16 76/23 83/7 83/12 90/22 93/23 96/23 97/16 98/22 100/9 100/9 101/6 101/6 106/7 106/15 111/18 112/17 113/16 118/4 118/5 121/2 126/3 126/14 127/5 127/6 127/10

S	162/14	143/17	172/16	107/8 155/4 159/16
some... [110] 127/14	sorry [11] 12/20 65/7	species [1] 108/5	standards [3] 103/20	161/19 166/21 168/20
128/20 128/25 129/9	67/9 83/5 86/4 95/13	specific [24] 13/23	183/17 212/3	169/17 169/17 170/20
130/2 130/12 130/24	96/3 107/14 135/5	47/3 49/20 53/19	start [16] 37/15 43/20	181/18 214/21 216/22
135/11 135/12 136/4	165/20 215/4	54/10 57/25 63/17	130/11 140/24 142/23	227/3
137/4 137/5 137/5	sort [29] 51/3 93/23	69/1 71/18 82/22 96/1	142/24 149/25 150/16	stones [1] 131/20
137/11 137/19 138/7	95/17 104/21 104/25	105/8 108/11 109/17	160/3 160/14 187/16	stop [3] 69/19 180/4
138/10 139/18 139/19	106/9 113/16 118/5	112/11 112/22 128/7	205/5 210/2 219/18	235/16
139/22 139/24 141/17	121/2 127/6 137/11	133/6 150/9 171/15	231/15 232/5	stopped [1] 47/13
141/17 141/18 142/1	145/20 151/5 155/5	195/20 201/10 234/16	started [4] 124/17	stories [1] 138/15
142/6 143/20 145/2	164/3 178/22 183/11	234/22	134/20 138/16 210/16	story [1] 106/1
145/24 147/20 148/22	186/17 188/13 196/11	specifically [8] 40/1	starting [8] 52/23	straight [3] 96/6
149/11 150/12 151/25	198/12 201/1 206/5	42/7 63/21 112/10	101/24 136/15 145/21	111/14 157/15
152/6 153/4 153/11	206/10 212/4 218/24	148/7 226/15 226/22	146/2 146/11 150/18	straightforward [2]
153/12 153/13 153/25	226/23 231/19 235/6	231/9	161/18	142/20 222/10
154/6 154/6 155/10	sorts [13] 96/12	specifics [1] 100/25	state [8] 167/14	strategic [8] 2/11
157/16 158/18 158/22	102/17 106/18 111/12	specified [4] 12/22	167/19 175/20 180/10	63/6 63/8 125/23
159/16 159/18 159/24	141/11 153/11 154/10	54/20 58/14 166/3	198/24 202/2 204/9	127/17 150/11 178/24
160/3 160/4 160/16	164/25 165/10 166/10	specifies [1] 5/24	225/2	219/4
161/4 161/23 162/18	171/17 199/5 208/19	specify [1] 166/18	states [13] 41/7	strategies [2] 132/17
163/14 163/16 163/23	sought [1] 57/16	spectrum [2] 69/10	138/17 139/17 139/21	233/17
168/2 172/5 172/10	source [21] 125/15	176/3	144/15 180/4 180/15	strategy [2] 43/25
173/17 173/18 177/19	175/4 175/17 176/1	speech [4] 51/15	180/17 180/18 181/21	148/1
178/18 181/20 183/6	179/16 180/25 187/7	153/13 172/23 172/23	195/17 218/14 220/16	strength [4] 15/5
183/20 187/22 187/23	192/25 193/5 193/12	speed [3] 157/25	statistical [1] 42/13	21/23 24/17 72/20
189/2 189/21 195/12	193/15 194/4 194/9	160/8 222/2	statistics [7] 70/18	strengthen [4] 2/1
195/15 196/17 196/21	203/21 203/25 204/2	spend [1] 165/4	93/6 93/7 93/19	9/2 44/2 208/9
197/3 198/6 200/24	204/12 219/23 220/5	spending [3] 90/2	176/11 176/14 192/10	strengthened [1]
201/4 201/7 204/17	229/10 230/20	134/8 163/14	status [2] 70/16	33/20
204/18 209/11 210/9	south [2] 2/16 2/18	spends [1] 212/17	161/17	strengthening [2]
210/10 212/7 212/23	Southport [1] 158/22	spent [5] 3/15 66/5	statute [4] 37/19 41/3	35/9 36/2
214/23 215/7 215/23	space [13] 56/7 74/4	84/16 134/10 141/13	114/4 195/24	strengthens [1]
216/3 216/7 216/14	87/19 97/1 98/4 99/4	sphere [1] 61/23	statutory [47] 4/20	78/11
218/20 222/14 226/14	101/1 101/2 101/9	spite [1] 177/14	5/2 5/6 5/13 5/20 5/23	strengths [7] 10/19
226/15 226/16 230/6	110/6 110/22 151/17	split [1] 91/15	6/3 6/7 6/23 7/3 7/9	11/1 12/11 13/11
231/19 231/19 231/20	228/14	splits [1] 207/15	8/6 8/8 10/16 14/20	14/18 17/8 24/12
232/5 232/23 232/25	spaces [2] 135/13	spoke [1] 134/11	14/23 23/24 28/19	stress [4] 54/9 61/18
233/6 235/7 235/13	227/15	spoken [1] 208/6	29/12 30/7 30/18	182/5 187/9
235/15	spam [1] 172/8	sponsored [1]	39/11 39/13 41/6	stressed [1] 50/16
some examples [1]	span [1] 75/1	180/10	41/19 42/18 43/11	stretch [1] 117/2
138/7	spans [1] 63/11	spookery [1] 223/6	49/15 58/6 61/22 62/1	stretched [1] 118/15
somebody [5] 101/9	sparingly [1] 98/8	spot [1] 150/19	68/5 68/25 71/25 72/1	strictly [1] 87/2
118/21 135/6 169/12	spawned [1] 212/4	spotlight [1] 162/23	87/12 87/18 99/1 99/3	stringent [2] 155/25
209/9	speak [3] 103/15	spread [2] 167/4	100/18 101/12 102/23	165/11
someone [9] 52/15	125/25 148/3	223/9	112/4 112/5 114/24	strong [7] 68/10
84/10 90/2 186/24	speaker [6] 3/10 4/3	stab [2] 46/18 230/7	115/11 221/2	83/11 134/11 155/6
187/7 203/16 225/2	124/4 124/13 124/15	stabbing [2] 215/5	step [20] 53/11 64/4	208/5 215/14 217/8
230/1 230/23	125/7	216/15	64/6 64/9 64/13 64/15	stronger [2] 11/4
something [28] 2/22	speakers [9] 1/11	stack [1] 172/4	64/20 64/21 64/21	69/16
88/16 92/8 98/10	91/19 106/7 124/4	staff [1] 149/12	64/23 65/1 65/3 65/17	strongest [1] 29/10
101/8 101/13 101/13	125/24 126/11 133/16	stage [24] 38/15	65/20 65/21 65/23	strongly [2] 19/3
137/16 157/9 162/19	195/8 237/10	38/17 38/17 38/21	68/6 88/17 88/19	28/12
164/6 165/7 167/5	speaking [5] 30/12	38/24 38/24 39/3	121/5	struck [1] 163/3
167/5 179/12 194/16	87/3 96/5 106/14	43/22 44/14 44/20	step 10 [1] 65/21	structure [5] 21/12
196/3 199/1 209/11	147/23	44/21 44/22 53/18	step 11 [1] 65/23	109/8 119/1 120/17
219/19 227/19 228/17	special [1] 17/16	53/19 60/19 68/17	step 7 [1] 68/6	121/2
230/10 231/20 232/20	specialism [1]	69/11 86/15 86/25	step 8 [1] 65/17	structured [10] 9/17
232/22 232/24 233/20	194/11	87/16 103/25 114/17	Step 9 [1] 65/20	12/18 19/1 20/5 22/14
sometimes [8]	specialist [19] 7/25	123/1 152/24	steps [3] 87/8 160/20	23/2 25/3 29/12
126/12 136/4 160/11	11/10 16/3 17/1 24/6	staged [1] 160/13	199/3	108/14 128/1
183/10 183/10 185/9	27/23 31/6 31/16	stages [1] 39/7	stick [2] 152/16	structures [5] 14/3
188/24 206/17	40/19 58/3 58/25	Stalking [1] 74/7	157/15	98/21 99/11 100/20
somewhat [3] 74/9	66/14 78/24 79/1 79/4	standalone [1] 55/6	sticking [1] 98/23	109/16
189/18 195/14	79/6 81/13 81/14	standard [8] 11/17	stigma [1] 20/3	struggle [1] 191/23
somewhere [1]	130/17	47/15 102/10 102/20	still [18] 25/15 36/8	struggled [1] 141/16
	specialities [1]	103/14 103/17 103/17	60/24 66/2 97/11	struggling [3] 133/22

S struggling... [2] 134/5 135/3 stuck [1] 169/11 students [1] 11/21 studies [5] 33/22 101/3 112/17 124/23 127/5 study [4] 59/18 124/24 124/25 125/2 stuff [3] 160/11 178/22 228/21 style [1] 46/16 sub [3] 163/6 188/22 206/11 sub-categories [1] 206/11 sub-criminal [1] 163/6 sub-threshold [1] 188/22 subcategories [1] 155/16 subculture [1] 127/19 subgroup [1] 71/16 subject [16] 9/14 10/24 14/22 29/12 41/8 51/21 64/11 64/13 64/15 70/8 72/17 72/19 130/6 201/18 217/10 217/20 subjected [1] 85/10 subjects [3] 72/11 72/13 78/14 submission [1] 41/14 submitted [2] 38/6 50/4 subsequent [2] 71/6 71/13 subsequently [3] 1/24 60/16 71/11 substance [2] 32/13 34/5 substantial [3] 32/24 34/2 66/5 substantially [2] 8/10 21/17 substantive [2] 20/16 24/16 substitute [2] 26/12 208/16 subthreshold [2] 179/24 186/2 success [1] 106/1 successes [2] 63/17 211/20 successful [7] 7/6 76/10 83/7 204/14 229/20 230/1 233/1 successfully [2] 138/8 182/14 such [34] 5/9 5/11 11/25 13/22 13/23 23/14 32/11 43/8 46/8	47/16 52/10 57/23 66/25 67/5 67/20 67/24 75/5 81/1 88/17 93/22 96/17 102/14 113/18 128/21 136/7 146/5 155/1 171/3 171/25 183/18 187/14 199/1 202/10 214/24 sudden [1] 224/4 suddenly [2] 178/22 184/24 sue [1] 218/10 suffered [1] 120/13 suffering [1] 129/2 sufficient [7] 20/6 31/2 38/18 61/8 74/20 102/19 222/2 sufficiently [1] 222/6 suggest [17] 9/11 11/16 25/12 33/25 36/22 62/18 71/15 83/19 92/22 123/7 152/16 173/2 188/16 192/13 193/11 194/23 203/15 suggested [2] 115/3 162/21 suggestions [2] 173/18 228/12 suggests [4] 35/21 70/1 216/23 227/18 suicide [8] 61/1 153/13 159/7 189/7 234/5 235/9 235/14 235/14 suing [1] 218/8 suitability [3] 17/12 64/6 98/23 suitable [2] 16/15 91/12 suited [1] 121/18 summarises [2] 16/17 30/11 summarising [1] 153/18 summary [3] 151/20 171/14 222/22 super [1] 223/11 superintendence [1] 37/23 supervision [11] 5/14 7/3 17/13 20/22 22/19 22/24 23/1 23/7 25/4 57/20 72/9 support [51] 6/4 6/24 7/23 9/9 9/12 9/21 10/12 11/2 11/4 11/10 12/6 17/21 18/7 20/3 20/18 22/22 25/18 27/11 28/10 30/13 31/6 31/17 31/24 33/6 33/15 34/8 35/7 36/4 36/20 66/7 72/20 77/18 78/5 80/17 80/19 82/4 89/18 96/18 97/4 97/7	105/24 111/6 127/11 137/18 149/2 174/7 178/16 179/8 218/10 233/11 235/18 supported [10] 3/3 10/22 17/1 69/4 69/23 72/4 116/9 116/25 117/8 199/20 supporters [1] 223/9 supporting [2] 11/7 180/19 supports [7] 6/12 12/18 13/13 14/4 15/17 36/17 62/10 suppose [11] 164/13 170/5 184/6 184/19 185/11 186/6 186/14 215/16 221/2 224/9 228/19 supposed [5] 88/21 154/8 168/13 210/13 215/15 supposedly [1] 180/11 sure [20] 38/9 89/20 97/2 97/10 101/25 105/18 108/24 110/19 113/4 116/8 119/16 120/22 133/8 176/13 190/6 234/9 234/12 234/24 235/19 237/11 surely [1] 182/25 surface [2] 125/16 146/20 surfacing [1] 158/11 surprise [1] 179/9 surprisingly [2] 185/6 193/9 surveillance [3] 20/23 22/24 203/10 suspect [6] 38/20 39/5 39/6 46/10 55/14 179/10 suspected [2] 34/6 43/10 suspects [1] 53/5 suspicion [1] 85/19 sustain [1] 34/8 sustainable [2] 11/7 25/15 sustained [4] 33/1 33/20 36/13 74/16 sustaining [2] 68/11 76/20 swatting [2] 129/12 129/19 swiftly [1] 210/14 symbols [1] 129/4 system [37] 4/16 6/5 6/22 9/16 10/1 10/6 11/9 11/23 16/25 26/4 26/8 26/23 35/10 36/5 40/22 43/8 53/24 55/19 56/16 64/20 66/19 93/13 95/18 113/18 119/25 121/13	143/7 147/1 152/10 164/17 164/20 168/14 168/21 168/23 169/19 227/25 231/4 systematically [2] 76/11 80/12 systemic [3] 159/13 162/3 182/24 systems [13] 1/9 27/21 30/25 37/12 49/2 123/24 154/24 156/6 157/20 169/17 179/9 200/16 210/13 T t's [1] 161/6 table [3] 99/12 157/14 201/5 tackle [8] 82/22 125/21 130/19 131/3 133/7 151/14 199/11 219/6 tackling [10] 4/8 100/6 130/10 150/23 199/10 205/13 206/21 219/12 219/17 221/12 tactics [2] 76/4 184/5 tail [1] 169/3 tailored [9] 9/18 20/24 22/16 24/18 36/9 65/14 70/11 107/1 108/16 take [41] 8/9 12/13 36/22 53/3 54/1 55/17 62/19 64/2 67/10 80/6 81/9 83/17 84/7 85/5 87/14 87/20 88/25 90/6 90/9 115/8 119/6 119/12 122/12 141/22 145/20 152/16 156/5 160/20 164/12 164/20 165/5 166/2 168/24 169/14 186/10 199/4 200/2 212/24 215/1 217/1 222/5 takeaways [1] 63/7 takedown [12] 155/5 156/9 156/19 168/13 168/21 168/23 169/18 171/13 171/15 171/23 215/22 229/23 taken [14] 39/21 86/4 88/17 88/19 92/9 116/2 150/13 154/25 158/16 164/2 167/20 198/19 219/8 219/14 takes [4] 86/13 160/12 194/24 233/3 taking [8] 142/14 154/9 165/14 166/9 172/22 178/21 206/1 210/14 talk [18] 11/18 26/18 63/22 126/8 126/11 127/8 129/17 135/8 150/17 153/4 153/8	154/3 165/9 168/6 188/9 208/21 208/21 223/7 talked [6] 80/4 100/18 130/1 208/5 221/16 233/24 talking [25] 95/14 104/17 112/12 116/21 135/9 135/17 137/14 153/5 153/15 157/1 168/20 172/21 178/4 181/14 183/13 187/24 202/16 214/13 214/21 217/5 222/7 222/7 223/13 223/18 234/22 tantalisingly [1] 195/15 target [1] 199/25 targeted [7] 8/20 9/17 10/2 10/11 22/2 36/8 94/25 targets [1] 200/1 task [5] 88/13 144/18 200/13 221/13 237/9 tasked [1] 81/7 Tate [1] 164/22 teachers [5] 148/12 148/14 150/7 196/16 231/24 team [15] 51/21 55/15 55/23 65/4 76/2 99/24 99/25 176/1 197/19 204/2 204/3 222/24 222/25 237/5 237/14 teams [15] 40/19 64/25 67/2 67/21 79/1 110/1 130/8 130/9 149/4 149/5 149/18 207/1 208/8 208/14 208/15 tease [1] 232/4 tech [29] 124/17 125/8 125/9 125/13 125/17 125/19 125/20 173/11 173/14 173/20 174/3 174/25 177/10 177/14 177/20 177/21 179/15 180/3 185/2 190/9 202/10 202/16 205/1 208/3 210/23 217/12 218/1 218/4 229/15 technical [6] 70/16 78/20 79/2 164/4 164/7 172/7 technically [2] 74/25 163/25 technique [1] 129/14 techniques [3] 129/12 140/23 184/5 technologically [1] 202/20 technologies [6] 159/9 174/20 177/1 178/13 178/15 223/13
---	---	--	--	--

T	49/21 49/25 50/20	146/22	181/16 182/7 186/2	139/1 139/4 139/8
technology [14] 78/7	51/4 51/5 51/6 51/7	test [14] 33/13 34/25	186/4 186/17 196/5	149/1 150/8 150/21
124/18 158/3 165/8	52/4 52/16 56/7 56/13	38/16 39/7 39/10	196/24 197/4 197/17	156/6 159/4 178/17
165/18 174/13 175/18	56/14 56/24 56/25	44/14 44/20 44/22	200/23 201/8 201/24	187/25 228/7 231/23
178/11 204/17 212/9	57/3 57/5 57/18 60/10	45/1 53/12 55/9 55/12	204/3 212/6 213/12	232/7 234/23
222/1 224/10 226/23	60/11 60/23 63/13	60/19 92/11	213/23 216/5 217/4	then [118] 2/2 2/6 2/9
227/3	65/25 66/4 66/10 67/5	tested [1] 218/20	221/14 222/14 222/25	3/8 15/19 38/21 42/21
teen [3] 147/12	67/24 71/25 78/24	testing [2] 217/17	227/8 227/18 233/1	44/13 45/1 47/8 47/20
147/12 150/18	102/11 103/14 109/19	218/16	233/13	52/2 53/18 57/4 58/2
teenage [3] 129/1	112/24 113/11 113/17	Texas [1] 138/18	their [100] 2/15 3/24	59/18 64/9 64/19
140/7 140/9	125/8 125/9 125/12	than [44] 5/15 6/23	4/12 4/23 6/8 6/21 7/6	64/23 68/7 73/18
teenagers [2] 101/4	125/13 125/20 128/17	9/13 10/14 10/23 13/7	8/8 8/12 10/9 10/23	80/23 81/10 88/4 88/4
137/25	131/1 132/23 143/13	16/24 25/11 30/6	11/1 13/14 17/8 17/8	89/19 95/21 96/20
telecommunications	143/19 153/12 167/21	33/16 42/16 43/15	17/9 25/21 28/1 31/1	97/7 97/13 100/1
[1] 124/18	169/13 169/22 173/12	45/24 50/1 54/8 57/12	42/2 43/15 50/7 53/21	100/22 104/6 104/9
Telegram [6] 149/16	173/14 173/20 174/25	61/25 70/9 86/25	54/13 58/15 61/15	109/21 110/15 110/18
149/20 187/2 187/19	176/19 177/10 177/14	87/13 87/18 91/25	72/13 72/16 74/13	116/8 116/14 117/9
223/22 230/5	179/15 180/3 181/11	92/20 92/25 93/18	80/8 86/3 90/18 97/22	120/7 122/11 123/6
tell [3] 88/9 160/20	188/20 190/9 191/2	114/21 123/2 157/15	98/10 99/5 105/5	127/7 129/6 129/11
188/15	191/21 202/10 217/12	171/20 175/10 177/13	109/4 109/4 110/10	129/19 129/23 130/11
tells [3] 1/20 10/19	229/16	181/15 194/3 198/23	118/20 118/20 121/3	130/12 130/22 131/12
236/15	terrorism-related [3]	203/20 205/11 207/23	125/18 129/4 129/15	131/23 132/16 133/3
ten [3] 145/1 177/14	7/12 28/3 52/4	211/11 215/12 217/1	129/19 134/8 135/1	134/17 135/7 136/11
209/23	terrorism-type [1]	221/5 221/8 222/15	135/4 135/20 136/18	138/24 139/8 140/11
ten years [1] 177/14	113/11	236/12	139/5 139/5 141/23	141/9 142/3 142/23
tend [4] 90/7 99/13	terrorist [66] 17/17	thank [73] 4/13 12/16	142/3 144/24 147/12	142/24 144/21 144/22
134/15 188/16	41/15 46/17 46/17	26/20 36/21 37/4 37/5	147/13 149/24 154/9	144/24 145/2 145/13
tendency [2] 193/1	47/19 47/23 48/1 49/8	37/8 62/14 62/17	154/10 155/15 156/1	145/14 145/22 146/15
203/23	50/23 51/8 57/6 78/25	62/18 62/25 67/11	156/17 157/3 157/11	147/17 149/25 150/1
tending [2] 54/4	112/19 112/22 113/16	83/17 83/19 84/2 84/5	162/13 165/4 165/17	150/21 151/7 151/12
133/4	114/25 125/15 125/17	86/6 86/6 88/3 89/23	166/5 183/17 189/15	151/14 151/18 153/4
tends [1] 54/3	125/21 130/23 135/10	91/6 91/7 92/12 94/22	201/1 203/16 203/24	154/13 167/5 167/6
tenure [1] 2/2	149/6 158/1 173/23	96/4 96/20 98/19	203/25 204/2 204/3	173/16 173/18 175/2
terabyte [1] 183/25	173/24 174/11 174/12	102/4 104/14 107/11	205/22 206/4 208/8	175/18 176/24 178/1
term [9] 40/8 40/14	174/14 174/22 175/1	107/23 110/3 115/17	209/3 209/3 209/8	178/15 178/17 183/21
40/17 40/20 42/7	175/5 175/13 175/19	121/15 121/23 122/22	209/15 209/16 209/21	186/11 186/25 187/1
80/15 82/10 83/15	175/24 176/2 176/12	123/6 123/10 126/4	209/21 212/13 212/14	187/2 187/12 196/21
126/19	176/24 177/4 177/6	152/12 152/14 152/23	219/5 222/13 223/10	205/1 205/2 205/3
termed [1] 155/22	177/7 177/13 177/18	173/1 173/2 173/9	224/24 224/25 225/2	206/5 206/10 210/22
terminology [2] 40/4	177/25 178/3 178/4	194/20 194/21 194/22	225/3 230/9 232/3	214/20 224/4 226/25
92/21	178/6 179/21 180/1	195/10 196/6 197/12	232/9	227/14 228/13 229/23
terms [60] 40/4 40/17	180/6 180/10 181/17	200/19 207/2 208/2	them [51] 1/12 14/9	232/10 233/19 236/11
48/25 74/10 84/12	183/18 183/21 183/24	210/19 210/22 212/25	42/10 48/4 48/17	236/24 237/11 237/15
86/1 86/18 86/22 90/5	185/4 185/17 185/24	213/4 216/9 216/11	57/13 58/15 72/12	theoretically [1]
91/23 92/24 93/19	188/11 189/23 190/13	218/22 219/21 221/3	80/12 93/10 93/17	200/24
94/10 102/11 103/24	192/6 194/18 209/18	221/24 224/12 227/5	97/12 100/10 108/23	theory [1] 235/10
107/9 114/5 114/22	211/11 212/9 224/5	227/20 233/21 235/21	109/12 111/4 118/3	Therapy [1] 12/3
118/12 132/22 155/9	terrorist acts [1]	236/16 236/17 237/12	119/6 120/22 121/18	there [307]
156/2 157/4 157/7	47/23	237/19	131/9 135/23 137/9	there's [15] 28/5 58/5
157/13 161/5 162/18	terrorist-operated [3]	thankfully [1] 138/9	137/10 139/1 140/10	86/7 93/1 96/1 98/12
164/14 164/20 165/24	177/4 183/24 212/9	thanks [3] 123/15	140/10 141/22 156/16	155/1 165/22 196/11
166/1 166/4 166/6	terrorist-related [1]	236/18 237/1	166/8 171/18 171/23	201/7 209/24 211/25
166/12 169/4 171/16	78/25	that [1241]	176/14 183/10 183/11	232/11 232/22 234/11
175/21 178/10 179/14	terrorist-specific [1]	that's [62] 31/21	188/15 200/2 208/9	therefore [26] 6/16
181/5 182/4 184/5	112/22	41/17 44/2 46/11	209/19 210/9 210/14	7/22 8/21 11/8 14/16
188/11 188/22 189/25	terrorist-type [1]	54/17 70/22 86/3	211/16 212/18 212/19	18/25 22/4 25/10
192/18 201/16 202/1	149/6	89/24 97/18 98/2	218/9 226/22 227/10	26/14 29/23 34/23
206/6 208/25 209/3	terrorists [18] 125/14	98/17 100/19 103/10	229/24 232/8 233/18	42/6 49/17 58/20
209/8 209/16 210/7	175/6 177/1 178/16	103/13 111/7 112/4	235/16	65/12 72/3 86/12
213/20 214/23 215/11	178/25 179/5 180/17	112/10 112/11 116/19	theme [4] 32/9 32/16	86/17 90/16 100/19
215/18 225/23 230/3	181/3 183/6 183/14	119/10 127/3 132/10	94/22 120/11	101/15 107/17 118/3
terrorism [77] 7/12	184/25 185/2 185/6	138/13 141/7 141/24	themes [6] 31/12	176/20 204/5 229/5
28/3 41/6 41/7 41/12	185/14 212/10 212/13	146/16 148/4 149/17	32/2 33/11 33/23	these [115] 4/2 6/17
47/18 47/22 48/6 48/9	220/15 224/10	152/7 153/1 154/18	36/11 97/6	7/14 7/15 8/7 11/18
48/11 49/5 49/16	tertiary [5] 143/3	158/6 160/10 166/6	themselves [17]	12/8 14/8 15/9 15/21
	143/4 145/16 145/16	169/6 172/12 172/25	32/16 44/12 60/5	16/15 22/18 22/21

T these... [102] 24/24 32/18 33/11 33/23 34/7 35/13 49/25 56/11 62/6 63/21 68/2 68/9 71/22 73/9 73/20 74/19 75/11 75/16 76/7 76/10 76/16 76/17 76/24 77/6 78/20 79/12 80/10 83/16 90/1 91/3 92/7 98/5 106/15 119/23 123/15 126/12 128/3 129/12 130/2 130/25 131/8 132/25 134/16 135/12 135/13 135/16 136/1 136/20 137/6 137/19 137/20 137/24 138/4 138/10 139/7 139/9 139/12 139/13 141/2 142/2 147/23 148/7 148/12 149/15 150/19 154/13 155/16 155/18 162/3 164/3 165/11 171/5 171/12 172/9 177/5 177/7 181/23 182/1 185/12 185/17 187/3 189/24 192/2 196/18 197/5 197/13 199/11 200/18 204/17 204/19 204/21 204/22 206/6 207/13 212/11 218/7 222/16 223/13 225/8 227/15 234/14 237/5 they [210] 5/18 5/23 6/18 8/24 9/22 11/16 14/2 20/23 21/12 21/13 24/2 26/1 26/2 30/24 31/23 33/23 35/8 36/15 39/25 42/1 42/2 44/12 45/1 50/10 50/13 55/7 57/15 57/16 64/19 64/20 74/12 82/9 83/2 85/9 86/19 90/3 91/12 91/12 93/14 94/7 97/3 97/4 98/8 99/19 99/21 99/23 99/25 100/4 100/4 101/18 103/17 103/18 104/9 104/10 105/18 105/22 107/17 108/8 108/9 109/5 109/5 109/5 109/6 110/13 110/18 110/19 110/20 110/22 112/23 113/12 113/14 113/15 113/25 115/4 117/4 117/5 117/18 117/19 118/1 118/5 118/7 119/1 119/6 119/8 119/22 120/15 120/18 121/17 122/24 129/14 135/3 135/18 135/19 135/21 135/21 136/10 137/9 137/14 139/13 139/21 141/3 141/21 143/2 146/1 146/6 146/13 147/13 147/14 147/15 149/25 150/19 154/2 154/4 154/5 154/15 154/18 154/22 155/2 155/5 155/9 157/11 158/13 158/17 159/2 159/25 160/2 163/11 163/24 165/18 166/11 166/25 167/1 168/11 168/13 170/7 170/9 170/10 170/15 171/16 171/21 172/8 174/14 177/23 179/3 179/3 179/4 180/22 181/3 181/18 186/25 187/2 187/25 188/9 188/17 189/20 189/20 189/21 189/21 190/12 192/4 193/5 197/19 198/15 199/6 199/12 201/4 203/2 203/10 205/21 206/1 206/3 208/15 209/2 209/21 210/12 211/5 211/6 211/9 211/22 213/25 214/1 217/1 218/11 218/18 219/2 219/6 219/15 219/16 219/18 221/17 223/9 223/9 224/4 224/8 225/8 225/9 225/21 225/22 227/13 229/21 229/22 229/23 229/24 231/24 232/1 232/5 232/9 234/8 235/18 237/13 they're [1] 188/17 thing [19] 99/18 106/8 106/9 119/17 119/18 131/25 138/19 144/19 156/3 160/10 160/22 162/2 170/14 176/10 179/5 188/5 197/25 217/21 226/21 things [35] 85/11 97/12 109/6 110/21 117/3 117/12 120/19 131/15 131/19 141/24 147/4 147/10 147/24 153/2 154/1 155/12 156/18 156/24 161/22 162/24 165/10 170/17 179/3 185/12 185/17 188/13 189/19 189/21 191/22 192/2 195/13 201/4 217/13 223/1 229/10 think [154] 67/13 85/2 85/16 88/18 89/10 89/13 91/18 95/3 96/10 96/19 96/23 97/9 97/16 98/3 98/5 98/10 98/11 99/12 99/18 101/7 101/10 101/16 102/6 103/11 104/4 105/7 105/10 105/20 106/7 106/14 106/21 107/3 107/8 107/13 108/10 108/11 108/17 108/21 110/14 110/23 111/9 114/7 114/15 116/5 116/10 116/22 118/9 118/13 119/16 120/18 121/3 121/4 122/9 122/13 122/14 127/2 133/15 134/2 134/10 137/13 138/5 140/4 146/20 148/21 151/18 156/22 157/21 160/8 160/10 161/19 162/14 162/18 162/25 164/1 164/5 167/22 169/8 169/15 170/13 172/2 178/24 179/6 179/23 181/6 182/4 182/5 182/19 185/17 185/23 189/11 190/20 190/25 191/13 191/18 191/22 192/16 192/19 192/22 193/9 193/13 193/16 193/23 196/14 198/11 200/6 201/2 201/7 201/11 202/13 203/6 203/11 203/12 203/16 204/7 204/8 204/14 207/8 208/12 211/8 213/19 214/2 214/22 215/10 216/5 216/20 216/23 217/7 217/9 217/16 220/17 220/23 220/25 221/25 222/5 222/11 222/19 222/22 224/3 224/20 226/13 226/19 228/5 229/25 230/13 230/15 231/1 231/12 232/4 232/25 233/3 233/12 234/15 234/17 235/25 thinking [11] 97/1 97/5 104/20 110/5 120/6 121/13 152/1 152/7 159/11 235/7 236/5 third [12] 4/22 58/17 91/13 98/20 124/11 125/7 129/23 133/3 134/18 148/21 197/13 204/18 thirdly [2] 175/18 206/3 this [377] thorough [1] 22/2 those [138] 8/2 13/21 21/11 31/24 39/18 39/20 41/2 42/11 43/16 47/10 48/22 50/1 54/4 55/3 55/5 56/17 57/10 57/22 66/25 66/25 67/5 67/19 67/24 68/3 68/5 70/3 71/9 71/10 71/12 71/12 73/5 85/2 85/22 87/21 89/19 90/17 91/15 93/7 95/6 95/10 95/21 95/23 97/14 98/22 99/13 99/16 101/17 102/15 102/20 102/23 103/15 106/4 106/20 108/3 108/22 109/11 110/9 111/12 113/5 114/21 115/2 115/3 115/10 117/19 118/22 120/1 121/17 121/18 121/20 122/15 125/24 130/20 132/7 132/11 132/12 132/16 132/16 132/19 133/3 133/7 136/22 137/18 138/20 139/2 142/4 142/21 142/23 143/20 144/14 145/12 145/13 145/20 146/7 146/11 146/25 147/11 147/17 148/9 148/13 148/13 148/22 148/25 149/2 149/8 149/13 149/21 151/25 157/4 161/18 171/24 181/20 182/14 183/7 190/17 191/16 196/20 196/25 197/1 197/1 197/24 198/15 198/16 199/5 199/21 204/15 206/23 208/10 209/20 213/16 215/9 219/18 221/13 221/15 222/18 226/11 231/22 231/23 232/3 though [10] 33/9 49/24 160/22 161/18 185/23 197/17 198/5 209/25 226/13 233/15 thought [2] 93/21 221/22 thousands [3] 186/12 202/11 209/1 threat [38] 4/8 40/9 40/12 41/7 63/12 67/5 67/23 79/5 82/20 82/25 124/5 124/8 124/12 126/9 126/24 128/14 133/12 134/2 140/14 144/6 147/18 148/16 148/18 150/17 151/10 173/16 175/9 175/10 181/2 181/5 181/13 183/13 200/10 219/12 219/17 220/9 220/14 223/7 threat actor [1] 183/13 threats [7] 15/11 147/24 178/18 179/20 180/9 181/20 192/9 three [20] 1/11 4/17 40/1 45/21 77/7 91/7 79/15 124/3 132/7 153/2 172/13 174/24 184/7 195/8 195/11 198/11 206/10 226/19 236/18 236/19 three years [1] 172/13 threshold [29] 27/12 34/11 36/1 43/1 44/20 45/13 53/17 58/8 61/6 61/16 72/6 80/14 81/19 85/25 98/7 101/10 104/1 104/6 104/10 120/2 146/14 153/14 157/2 166/8 166/21 187/23 188/22 196/15 199/23 thresholds [16] 4/21 7/12 8/2 26/16 27/11 28/19 29/15 30/1 31/5 36/20 42/23 63/13 69/19 76/22 81/9 122/2 through [67] 5/16 6/11 6/24 7/13 7/23 8/15 9/8 11/12 11/18 11/23 12/13 16/6 16/21 21/7 21/13 21/20 23/25 29/16 33/6 33/13 35/5 35/18 42/11 59/4 63/5 63/23 64/4 68/16 68/19 69/3 69/11 69/23 70/14 72/12 73/16 75/24 76/3 78/15 82/14 83/3 116/13 116/16 126/17 128/4 143/21 146/25 156/20 161/7 161/11 168/15 171/2 172/19 181/22 189/2 196/17 198/2 199/17 201/13 202/12 206/24 208/10 215/18 217/4 224/4 227/11 230/15 235/1 throughout [4] 27/17 39/8 122/14 130/9 Thursday [1] 1/1 tidied [1] 201/22 TikTok [3] 185/5 186/25 187/19 time [42] 21/17 23/15 23/25 32/10 33/12 34/25 52/21 53/22 66/5 67/10 81/9 84/16 84/18 86/4 89/15 91/15 106/2 110/21 110/22 134/10 135/20 135/20 135/21 139/22 141/13 143/4 145/5 145/8 149/7 150/13 163/15 165/4 165/14 167/13 168/5 187/21 198/22 212/17 219/16 229/8 230/6 236/22 timeframe [2] 171/9 171/16
--

T	131/1	147/22 162/5 163/8	180/12 181/11 182/16	25/16 39/11 40/9
timely [3] 30/20	tragedy [1] 209/19	176/23 181/2 186/13	189/5 195/24 204/14	71/17 72/17 72/24
31/24 36/16	tragically [1] 235/1	191/13 203/5 209/21	204/16 204/22 212/12	94/19 96/24 105/5
times [1] 211/17	train [1] 224/9	212/18 212/19 217/17	216/13 217/24 219/9	114/12 116/7 118/4
tips [3] 145/9 145/12	trained [2] 119/19	217/22 218/8 219/10	229/18	120/19 133/14 135/1
198/2	222/6	232/8	UK's [1] 216/21	136/25 142/3 144/8
title [1] 31/21	training [6] 5/11	Tuesday [2] 150/4	ultimately [4] 118/23	149/21 151/7 151/24
titled [1] 53/5	17/15 46/21 48/7	150/10	133/12 140/11 218/17	175/1 190/20 193/18
today [9] 1/11 2/23	70/15 190/11	Tumbler [1] 225/10	UN [3] 125/10 125/19	209/15 220/24 224/23
4/15 59/19 63/5	transferable [3]	Tumblr [4] 187/24	173/21	225/2 229/4
180/20 181/6 198/22	108/12 108/13 108/19	234/5 234/7 234/9	unable [1] 42/10	understands [1]
207/5	transferred [1] 206/5	turn [14] 26/22 30/19	unaddressed [1]	187/7
together [24] 2/15	transition [4] 30/3	37/24 42/21 45/15	163/21	understates [1]
7/15 11/25 12/7 19/11	33/13 35/6 101/25	46/12 52/2 58/2 58/16	unavailable [1] 35/3	32/15
24/12 27/19 31/15	translate [1] 31/8	59/7 59/22 88/4	uncertainty [1] 31/6	understood [4] 16/1
32/2 35/24 72/21 73/2	transnational [1]	111/17 227/22	unclear [6] 28/4	19/17 126/19 147/19
110/20 118/4 124/9	3/21	Turning [1] 61/4	68/14 164/4 189/6	undertake [7] 6/19
127/2 143/18 143/24	transparency [5]	turns [1] 53/19	214/24 227/11	19/1 70/21 71/1 79/7
151/15 151/20 174/4	155/19 157/16 189/16	TV [1] 232/23	uncontextualised [1]	90/17 106/11
200/14 220/21 229/21	209/25 210/15	two [32] 2/14 4/15	215/8	undertaken [3] 5/4
told [11] 46/23 92/5	trap [1] 91/25	11/18 38/15 44/14	uncoordinated [1]	44/7 68/8
96/10 99/5 102/13	trauma [6] 16/7 16/9	46/12 49/25 51/16	98/13	undertaking [1] 1/18
107/25 112/17 113/1	21/20 21/22 24/1	56/6 60/19 84/8 84/23	undefined [1] 53/14	undertook [1] 30/12
118/25 199/7 230/19	25/18	92/3 98/24 98/25	under [29] 37/23	uneven [1] 26/15
tongue [1] 167/9	trauma-informed [4]	120/11 147/24 149/15	38/20 39/7 41/5 41/12	unfair [1] 88/23
too [15] 48/2 49/12	16/7 21/20 24/1 25/18	150/14 153/19 155/17	46/4 48/11 49/7 52/15	unfortunately [6]
143/2 143/5 155/6	treated [3] 20/7	157/8 162/11 166/10	57/18 57/20 60/14	179/11 182/10 182/20
164/9 164/15 164/15	41/15 74/24	175/10 195/13 196/11	70/6 74/2 76/17 95/7	192/5 206/4 234/25
164/15 179/10 193/13	treatment [1] 22/20	198/23 207/15 222/12	95/9 101/6 103/21	unhelpful [1] 87/12
202/6 202/7 202/7	trend [1] 174/23	228/11 229/10	110/4 112/10 112/24	unified [1] 204/6
226/17	trends [1] 97/6	two years [2] 162/11	163/9 169/4 171/22	unique [2] 99/18
took [2] 60/16 230/13	triage [6] 64/6 115/23	166/10	181/11 217/5 220/18	206/8
tool [5] 12/17 13/12	122/7 175/19 229/7	two-stage [2] 44/14	225/20	unit [6] 4/5 51/10
19/8 87/25 136/18	229/13	60/19	under 18s [3] 74/2	63/4 130/17 144/21
toolbox [1] 105/17	triaging [4] 116/22	two: [1] 154/14	76/17 163/9	200/11
tools [18] 12/14	121/24 230/3 230/21	two: illegal [1]	under-resourced [1]	United [2] 195/17
25/11 35/11 56/6	triangle [1] 196/8	154/14	220/18	198/25
63/19 68/24 74/10	tried [4] 46/24 172/19	type [25] 14/1 40/24	underlying [7] 10/23	units [2] 79/6 145/1
76/23 78/1 105/17	186/22 209/10	42/11 42/14 51/1	19/24 20/18 23/8 33/9	universal [5] 8/21
157/3 158/11 159/7	trigger [5] 93/22	76/24 94/13 94/14	35/14 71/17	10/14 14/10 35/17
209/13 221/16 222/6	159/21 167/6 172/9	104/24 106/17 113/11	undermine [1]	146/18
228/21 229/2	200/25	117/7 122/10 131/10	180/16	universally [1]
top [2] 145/20 168/17	triggered [2] 158/22	132/11 136/4 139/11	undermining [1]	147/19
topic [9] 98/19 98/20	235/11	149/6 156/22 180/19	212/1	University [2] 3/14
104/3 104/15 110/4	triggers [2] 153/12	183/12 184/2 186/23	underpinned [1] 19/4	124/14
115/18 123/23 192/6	167/5	207/13 236/3	underpins [1] 77/4	unknown [2] 64/12
233/4	trip [1] 118/5	types [25] 68/14	understand [51]	64/21
topics [3] 91/8 91/16	trivialises [1] 213/13	73/20 76/13 76/19	10/22 16/10 17/7	unless [9] 44/11 54/1
204/25	trouble [1] 236/22	76/24 77/1 81/1 83/12	20/18 27/20 32/20	64/17 74/23 163/7
totality [1] 131/11	troubled [1] 141/13	89/19 93/7 97/7 97/15	34/20 39/12 40/3 73/4	166/3 167/17 194/16
touch [1] 56/6	true [5] 131/12 181/9	112/1 130/4 130/12	74/12 87/2 88/8 88/10	209/9
touched [1] 94/23	181/24 185/14 217/24	131/7 132/8 141/3	97/3 97/6 100/11	Unlike [1] 68/24
towards [7] 13/23	truly [1] 120/1	143/16 153/19 158/18	100/11 105/9 106/4	unlikely [2] 31/2
31/12 74/15 77/18	truncated [1] 4/7	159/21 169/10 169/22	114/9 117/22 120/21	232/9
131/8 192/8 197/14	trust [1] 31/21	214/3	127/21 130/18 131/12	unmet [7] 6/8 7/17
track [1] 76/2	trusted [8] 10/21	typical [1] 132/22	136/7 138/20 142/4	18/13 23/23 24/20
tracking [1] 230/4	12/9 30/22 31/14	typically [3] 132/15	142/6 147/17 148/16	34/15 102/2
traction [1] 210/25	36/12 77/18 149/18	136/14 137/22	151/6 151/10 175/4	unnatural [1] 96/4
trade [1] 165/18	161/17	U	180/5 181/2 182/9	unnecessarily [1] 9/6
trade-offs [1] 165/18	try [7] 4/15 127/14	UAE [1] 3/18	182/13 183/1 184/16	unnecessary [3] 20/3
tradecraft [1] 136/23	150/1 151/2 151/10	UK [27] 63/8 125/5	184/23 190/12 191/23	36/3 53/9
tradition [1] 183/16	157/14 231/10	129/20 130/9 139/19	194/6 194/14 194/14	unobtainable [1]
traditional [2] 181/12	trying [27] 46/24 96/5	140/1 140/15 141/8	216/4 225/15 225/22	72/9
181/17	97/2 100/24 110/24	141/21 144/25 172/6	235/25	unprecedented [1]
traditionally [1]	111/5 111/6 111/21	172/11 174/17 176/17	understanding [32]	179/22
	118/15 120/22 141/22		13/13 16/8 21/21	until [7] 25/25 36/23

U until... [5] 83/20 119/25 158/17 236/14 237/21 unusual [1] 7/19 unwittingly [1] 190/23 up [43] 4/12 87/20 88/12 97/20 98/17 102/2 107/23 108/24 109/20 110/22 114/8 118/23 121/18 143/12 143/25 144/18 147/6 150/11 150/22 154/11 156/11 157/12 159/3 160/11 164/16 167/9 171/11 177/10 177/13 179/2 179/4 187/8 201/8 201/22 203/16 204/16 213/8 214/19 228/11 228/17 231/12 233/6 233/23 update [2] 89/16 90/11 updated [2] 21/17 170/8 updates [1] 90/17 updating [1] 90/19 upholding [2] 209/8 209/16 uplift [2] 93/15 94/13 upload [1] 158/4 uploaded [1] 153/24 upon [5] 33/4 75/20 103/1 122/20 167/14 upskilling [2] 66/23 67/17 upstream [1] 159/24 us [53] 1/20 4/15 10/19 26/24 32/5 38/6 42/20 43/21 46/11 52/8 62/2 91/19 92/5 93/10 95/6 95/9 95/22 96/13 99/5 102/13 105/6 105/18 107/25 112/12 112/17 113/1 118/25 119/6 120/24 122/15 123/13 133/1 137/17 140/19 141/8 144/3 173/15 180/13 181/1 185/2 187/23 188/1 189/6 194/24 195/15 197/4 199/7 206/25 222/10 224/1 230/13 236/15 236/21 USA [1] 3/19 use [80] 12/14 13/3 13/4 32/13 34/5 39/23 40/8 40/14 40/16 41/7 49/3 50/19 61/15 62/11 68/2 69/17 74/23 75/7 75/7 75/8 75/10 75/24 76/13 89/6 98/18 111/3 125/21 126/16 126/18	129/14 130/23 132/10 133/10 139/8 144/3 151/12 159/5 159/18 161/2 165/11 173/23 173/24 174/8 174/22 175/1 175/6 175/24 176/18 177/11 178/11 178/19 178/25 179/11 180/6 183/9 183/14 184/10 184/25 192/6 193/18 194/18 196/23 197/3 197/11 197/23 199/24 202/19 204/23 206/4 220/15 220/17 220/24 222/13 222/19 223/12 223/15 225/16 225/21 226/7 226/23 used [42] 11/15 13/1 14/22 16/5 23/10 40/4 40/18 40/19 57/24 73/7 98/8 108/18 108/19 129/13 136/17 136/23 136/25 137/22 137/23 138/13 138/15 139/15 149/17 149/22 150/6 154/2 162/21 178/14 178/16 179/1 182/11 182/14 182/17 190/21 191/4 196/24 206/20 207/13 221/16 221/18 225/21 235/6 useful [8] 48/8 56/9 86/19 108/2 108/4 108/22 139/22 195/15 user [23] 140/20 153/21 153/21 154/9 154/22 154/22 155/7 155/7 155/17 155/17 155/21 155/21 155/24 156/8 157/2 157/19 157/19 166/3 166/7 166/7 185/7 215/23 215/23 user's [1] 155/14 user-generated [1] 185/7 users [13] 77/17 78/2 153/23 153/24 155/24 156/8 156/12 156/16 165/23 196/19 216/7 225/8 228/9 users' [1] 224/23 uses [1] 179/15 using [17] 133/5 159/20 170/9 179/8 180/15 181/3 181/3 181/19 183/10 183/11 198/17 204/13 206/3 212/14 213/22 214/3 217/1 usually [4] 32/22 51/9 74/14 145/10 utilised [2] 39/25 55/8	V vacancies [1] 27/22 vague [1] 164/15 validation [1] 205/24 valuable [3] 11/9 236/20 237/3 value [2] 199/25 200/1 varies [2] 8/16 188/25 variety [1] 183/14 various [18] 3/8 49/19 62/9 73/20 100/22 143/16 143/16 170/20 172/19 180/9 182/24 209/13 214/3 220/25 223/6 223/23 230/13 236/24 vary [8] 20/20 26/12 27/13 100/19 107/21 118/1 156/21 183/12 vast [3] 63/16 187/9 207/9 venture [1] 174/10 verification [7] 155/7 163/10 210/18 213/23 214/4 214/7 214/8 verse [1] 195/16 version [1] 20/21 versus [1] 234/16 very [99] 4/13 11/18 36/21 48/10 62/15 62/17 62/18 83/19 84/5 84/11 84/16 85/13 87/14 87/17 88/3 89/4 89/8 89/8 89/20 89/23 89/23 91/5 92/13 93/17 94/19 99/5 99/18 101/22 102/4 102/16 105/8 105/13 106/10 106/10 106/13 109/3 113/14 113/15 119/14 122/22 123/6 123/9 123/13 126/4 133/18 135/1 135/24 152/12 152/13 157/20 160/23 161/1 161/5 162/2 164/16 164/16 168/12 173/1 177/10 177/25 179/13 182/15 183/20 186/10 188/1 188/7 189/6 194/1 194/21 195/10 195/11 196/6 198/25 199/10 200/19 200/19 201/24 202/17 202/19 203/1 203/2 204/24 206/6 207/14 208/13 209/21 211/12 211/15 211/18 216/11 216/20 217/4 223/16 229/8 236/16 236/17 236/21 237/3 237/19 VFI [18] 40/14 40/17 41/21 42/7 44/24	45/17 54/12 96/25 97/14 105/9 106/16 184/6 185/8 186/2 189/3 189/12 191/18 205/12 VFI-related [4] 186/2 189/3 189/12 191/18 VFIs [19] 39/23 42/9 42/14 43/12 44/4 51/2 51/8 56/10 61/24 63/16 181/5 183/8 185/19 186/18 191/20 192/5 205/1 205/5 207/3 via [3] 66/17 69/4 81/10 viable [1] 52/22 victim [10] 72/18 72/22 94/2 140/12 140/13 140/18 164/13 185/9 186/19 236/10 victim's [1] 172/21 victimisation [1] 134/23 victims [15] 81/5 132/14 136/18 137/17 137/19 137/19 141/18 141/21 142/25 148/10 168/3 171/21 215/13 227/21 227/22 video [4] 4/3 124/1 212/4 216/15 video-sharing [1] 212/4 videogames [1] 163/3 videos [1] 136/8 view [20] 10/11 60/16 85/22 87/9 87/16 87/24 104/25 109/5 119/14 120/19 132/20 164/3 167/3 167/20 176/11 202/21 209/17 221/6 221/17 227/13 viewed [6] 11/11 24/2 33/24 44/5 53/2 61/20 viewing [1] 108/9 views [5] 43/13 110/8 210/19 212/25 221/20 Vincent [1] 140/1 violate [1] 208/24 violates [1] 175/21 violating [1] 209/2 violence [63] 1/8 4/20 9/23 15/9 15/9 16/16 19/3 19/21 21/6 22/1 23/5 23/21 24/15 24/19 25/10 27/2 29/5 37/14 40/5 40/6 40/10 41/24 43/14 44/7 46/7 47/6 48/3 48/20 48/22 49/3 49/12 52/16 58/4 59/17 60/1 60/2 60/4 60/8 61/20 63/22 71/6 71/16 76/11 84/15	85/15 94/1 94/6 95/25 126/15 130/24 131/16 132/21 136/8 138/12 140/3 140/25 187/21 190/22 191/2 191/9 206/14 213/14 215/13 violence-fixated [6] 1/8 40/5 52/16 63/22 76/11 95/25 violence-related [1] 71/6 violent [30] 49/1 70/2 71/14 73/23 73/24 76/12 80/10 80/11 82/20 126/13 131/17 132/20 153/9 153/15 158/11 171/25 176/2 176/3 176/5 176/6 183/7 188/22 191/8 207/24 212/6 213/7 223/24 228/3 230/7 234/18 viral [4] 162/1 166/23 169/10 170/23 virtual [1] 75/8 virtually [2] 182/11 188/3 visibility [7] 6/17 8/25 18/25 29/10 77/10 79/4 211/18 visible [3] 33/3 34/10 63/13 visiting [1] 85/12 visits [1] 75/14 vital [1] 220/13 vitality [1] 54/9 vogue [1] 192/7 volition [1] 41/13 volume [4] 81/10 185/24 186/2 234/17 voluntary [18] 6/11 6/12 7/4 9/9 10/15 10/18 18/18 28/10 68/24 69/4 70/7 72/4 72/7 73/15 80/16 80/20 81/25 189/19 vulnerabilities [12] 9/16 13/15 15/4 15/25 17/9 23/22 27/9 66/6 66/11 79/13 140/9 236/10 vulnerability [6] 7/22 19/12 32/17 34/15 78/21 151/14 vulnerable [6] 140/7 183/7 184/13 190/15 190/18 206/16 W waiting [1] 227/4 Wales [5] 1/17 2/5 8/22 16/18 37/21 walls [1] 139/9 want [36] 59/18 67/12 87/11 88/15 88/25 89/22 93/17
---	---	---	---	--

W			
want... [29] 97/2 107/3 107/6 111/10 111/11 111/14 113/8 123/9 139/19 151/11 155/5 160/10 172/15 181/24 183/25 185/14 187/1 192/4 198/9 198/21 199/8 210/3 213/5 223/9 223/9 235/16 237/1 237/3 237/12	98/17 100/5 100/15 110/18 114/10 117/10 119/3 121/5 123/14 127/25 130/20 134/14 138/3 143/10 154/7 155/10 163/16 172/19 176/20 176/21 184/18 185/4 186/4 187/5 191/17 199/15 201/7 201/13 207/8 208/11 209/4 212/7 212/23 214/5 217/23 218/2 220/16 220/21 220/22 221/15 227/14 228/10	196/15 199/22 200/22 203/23 204/1 206/16 208/16 210/3 210/22 220/19 223/23 226/8 227/17 227/22 228/15 228/25 232/15 232/23 233/2 233/25 236/13 237/4	143/11 144/10 144/14 145/25 146/7 146/8 146/8 146/9 146/19 147/3 147/18 148/3 148/4 148/18 148/19 148/23 148/25 149/2 149/24 151/3 151/5 151/6 151/11 151/12 152/5 154/1 154/14 155/22 156/5 156/14 156/15 157/10 157/12 157/17 158/2 158/6 158/13 159/2 161/8 161/10 161/20 164/3 165/22 169/11 173/19 174/9 174/24 174/24 175/7 176/23 177/19 177/20 179/4 179/14 180/8 183/3 183/6 184/17 184/22 185/14 185/23 186/22 187/14 188/4 188/8 188/8 188/9 189/3 189/14 190/1 190/8 191/2 191/13 191/25 192/20 193/11 193/20 194/6 194/6 194/8 194/14 195/16 195/19 201/15 205/9 205/11 208/18 209/10 213/10 214/2 216/1 217/25 218/18 219/3 221/25 223/1 223/22 225/14 225/15 225/20 225/22 225/22 227/24 228/19 229/13 230/18 230/19 233/15 234/6 234/8 234/13 234/24 235/2 236/4 236/14
wanted [7] 48/17 48/19 97/20 107/23 143/10 225/8 233/22	ways [10] 100/4 170/20 183/20 184/7 196/11 203/11 213/8 220/20 223/2 229/13	wellbeing [4] 11/2 15/5 149/8 149/12 went [7] 70/21 70/25 71/2 80/19 80/21 168/15 179/7 were [69] 30/22 31/10 32/10 32/16 32/23 34/7 46/2 48/2 48/19 49/2 49/12 49/14 49/16 60/3 60/23 60/24 73/22 80/10 82/21 84/14 92/6 92/8 95/10 95/10 96/17 99/19 104/17 107/12 110/13 112/1 112/22 115/10 116/12 121/18 127/19 127/20 134/5 134/13 134/13 134/24 141/21 141/21 147/15 148/24 158/14 168/10 168/12 170/10 172/4 174/1 174/6 176/11 179/8 181/8 186/11 187/24 189/19 189/19 191/25 192/10 192/10 198/13 201/5 204/5 209/23 212/5 219/11 219/25 225/11	whenever [1] 231/6 where [163] 1/24 2/3 2/17 4/4 6/7 7/11 8/1 10/11 12/24 13/1 14/9 14/21 15/21 16/4 16/15 17/25 18/8 19/10 19/15 21/8 21/25 22/13 23/4 23/10 23/16 24/7 24/14 25/6 29/14 30/19 33/15 35/2 35/14 35/25 39/12 40/7 41/2 41/6 41/11 41/12 42/24 43/8 43/13 43/15 44/22 44/25 45/12 45/16 46/5 46/6 46/13 52/8 52/14 52/20 53/21 54/5 54/11 54/12 55/8 55/9 56/8 57/1 57/17 57/19 58/4 58/5 58/11 59/15 61/11 61/12 61/13 62/3 62/7 62/12 65/10 65/18 66/9 67/14 68/13 69/5 69/16 70/13 70/16 72/5 74/22 76/21 78/25 79/10 80/22 80/25 82/1 82/4 82/6 83/13 86/25 94/13 94/15 95/19 98/7 102/2 107/4 108/4 108/5 109/10 110/21 111/13 111/23 113/18 113/21 114/22 115/3 116/23 117/14 117/24 119/2 119/12 122/11 127/10 128/24 132/9 132/13 132/19 133/4 136/25 137/6 137/7 138/18 139/4 141/15 142/12 145/5 145/11 145/24 146/4 149/9 150/19 151/13 151/14 153/23 157/17 159/11 161/12 165/18 167/22 174/12 174/15 176/16 177/7 187/16 189/3 191/20 192/25 193/8 194/13 200/23 207/18 219/25 221/6 225/11 229/21 230/24 233/1 236/5
warning [5] 54/24 69/14 69/17 73/9 127/15	we [632] we'd [1] 182/19 we're [2] 119/17 150/25 we've [7] 126/14 148/17 148/19 149/9 149/11 150/13 179/23	what [201] 4/20 18/20 30/11 35/5 35/6 41/22 45/3 53/13 58/7 84/11 86/19 86/19 89/21 89/22 90/9 90/18 92/1 92/6 92/19 92/19 92/21 92/21 93/4 96/10 96/24 97/3 97/9 97/11 98/11 99/15 100/11 100/14 100/18 100/18 100/20 100/25 102/25 104/7 105/3 105/9 105/10 105/11 105/16 105/23 106/1 106/3 106/4 106/7 107/8 107/18 107/21 109/3 109/4 110/8 110/20 110/20 110/22 111/23 116/2 119/10 120/8 120/20 120/21 126/23 127/8 127/8 127/9 127/22 128/2 128/12 131/4 131/18 132/3 133/15 133/15 133/18 134/7 135/7 137/12 137/16 137/21 138/20 140/23 142/4 142/10 142/16	whenever [1] 231/6 where [163] 1/24 2/3 2/17 4/4 6/7 7/11 8/1 10/11 12/24 13/1 14/9 14/21 15/21 16/4 16/15 17/25 18/8 19/10 19/15 21/8 21/25 22/13 23/4 23/10 23/16 24/7 24/14 25/6 29/14 30/19 33/15 35/2 35/14 35/25 39/12 40/7 41/2 41/6 41/11 41/12 42/24 43/8 43/13 43/15 44/22 44/25 45/12 45/16 46/5 46/6 46/13 52/8 52/14 52/20 53/21 54/5 54/11 54/12 55/8 55/9 56/8 57/1 57/17 57/19 58/4 58/5 58/11 59/15 61/11 61/12 61/13 62/3 62/7 62/12 65/10 65/18 66/9 67/14 68/13 69/5 69/16 70/13 70/16 72/5 74/22 76/21 78/25 79/10 80/22 80/25 82/1 82/4 82/6 83/13 86/25 94/13 94/15 95/19 98/7 102/2 107/4 108/4 108/5 109/10 110/21 111/13 111/23 113/18 113/21 114/22 115/3 116/23 117/14 117/24 119/2 119/12 122/11 127/10 128/24 132/9 132/13 132/19 133/4 136/25 137/6 137/7 138/18 139/4 141/15 142/12 145/5 145/11 145/24 146/4 149/9 150/19 151/13 151/14 153/23 157/17 159/11 161/12 165/18 167/22 174/12 174/15 176/16 177/7 187/16 189/3 191/20 192/25 193/8 194/13 200/23 207/18 219/25 221/6 225/11 229/21 230/24 233/1 236/5
warnings [1] 126/1 warrant [1] 220/25 was [116] 2/23 3/7 30/15 30/16 32/24 32/25 33/5 35/7 41/23 45/23 46/14 46/23 46/24 47/2 47/4 47/5 47/14 47/25 48/4 48/5 48/20 49/9 49/17 49/24 50/5 50/17 50/22 59/24 59/25 60/6 60/8 60/14 60/16 60/19 70/6 71/5 71/13 71/14 81/2 83/4 83/4 84/12 84/12 84/14 84/18 84/21 85/2 85/13 85/25 88/6 96/14 104/12 104/19 107/15 115/14 118/19 127/19 127/22 128/2 135/3 138/16 139/16 139/23 140/2 140/3 140/21 141/12 141/20 141/25 141/25 147/10 147/10 148/22 148/23 150/10 152/12 157/21 157/21 158/15 158/22 158/23 159/13 164/6 164/23 164/23 167/16 168/8 169/15 170/6 170/13 170/14 170/14 171/3 174/2 174/2 177/10 179/6 180/14 187/14 196/7 196/8 197/17 198/25 201/12 203/1 203/7 204/14 208/19 215/4 222/3 230/5 230/10 231/12 233/22 233/23 234/4	weakness [2] 32/25 208/6 weaknesses [1] 171/1 weaponised [1] 136/17 Weaponized [1] 134/1 weapons [3] 47/10 171/19 171/25 web [1] 125/16 website [1] 184/1 websites [7] 140/3 177/4 177/5 183/24 199/5 212/9 212/11 week [8] 118/24 126/10 150/4 150/15 151/8 179/6 236/8 237/3 weeks [2] 133/10 133/17 Welcome [1] 1/7 welfare [4] 7/21 20/24 53/23 79/13 well [70] 26/15 58/23 58/25 60/4 83/5 87/20 90/20 91/5 94/17 102/21 104/19 109/3 109/15 115/15 118/11 119/6 119/9 126/19 127/1 127/9 129/5 129/16 129/19 134/3 137/16 138/12 140/12 141/10 143/2 143/24 144/1 149/17 159/12 162/22 164/12 171/24 174/17 176/10 181/22 182/8 185/7 185/11 189/12 189/15 192/1 192/19 193/19 194/5	weren't [1] 170/8 west [1] 176/18 what [201] 4/20 18/20 30/11 35/5 35/6 41/22 45/3 53/13 58/7 84/11 86/19 86/19 89/21 89/22 90/9 90/18 92/1 92/6 92/19 92/19 92/21 92/21 93/4 96/10 96/24 97/3 97/9 97/11 98/11 99/15 100/11 100/14 100/18 100/18 100/20 100/25 102/25 104/7 105/3 105/9 105/10 105/11 105/16 105/23 106/1 106/3 106/4 106/7 107/8 107/18 107/21 109/3 109/4 110/8 110/20 110/20 110/22 111/23 116/2 119/10 120/8 120/20 120/21 126/23 127/8 127/8 127/9 127/22 128/2 128/12 131/4 131/18 132/3 133/15 133/15 133/18 134/7 135/7 137/12 137/16 137/21 138/20 140/23 142/4 142/10 142/16	what's [12] 115/22 131/5 139/21 151/10 162/11 186/5 194/14 206/15 209/9 212/18 232/16 234/14 whatever [3] 168/23 175/22 199/6 when [85] 5/6 6/25 7/4 10/20 16/18 22/23 27/1 28/9 29/10 30/1 31/7 35/6 43/3 43/20 43/24 44/9 45/11 46/15 51/3 53/1 53/3 55/12 58/21 62/2 70/24 73/7 79/16 81/5 81/8 82/8 92/9 95/13 96/25 99/20 102/2 103/16 104/17 104/20 105/9 108/3 119/8 121/7 127/13 129/17 131/7 131/22 135/8 140/21 147/5 148/22 149/19 154/17 157/22 159/14 163/4 164/14 167/20 172/21 174/1 177/10 177/13 179/1 185/15 188/15 191/13
wasn't [4] 33/3 47/24 88/14 159/12 watching [1] 46/17 water [2] 232/19 232/19 way [47] 45/10 45/20 59/2 89/11 98/13			where's [1] 141/18 whereabouts [1] 21/11 whereas [3] 54/24 71/25 99/4 whereby [2] 154/24

W whereby... [1] 171/7 wherever [2] 19/5 38/11 whether [66] 13/24 28/18 33/14 33/19 34/22 34/25 36/15 36/15 38/25 44/5 44/6 52/24 53/12 54/14 56/1 58/13 62/5 64/11 82/8 84/10 84/12 84/14 85/11 85/23 87/9 87/10 87/15 87/22 87/25 88/15 88/16 88/17 89/8 91/12 91/12 93/15 102/18 102/18 102/19 103/8 103/12 103/14 103/20 113/25 114/1 117/19 119/17 133/11 154/18 154/19 159/20 159/23 160/3 163/10 165/19 170/23 187/25 190/17 190/25 198/24 214/18 216/16 216/18 221/17 227/25 234/10 which [171] 1/8 2/23 5/2 5/4 5/5 11/12 12/22 19/8 27/14 29/23 37/19 38/6 38/7 39/9 41/15 42/4 42/13 44/12 45/5 46/3 46/9 47/23 48/7 48/15 48/18 49/2 49/15 49/17 50/10 51/15 52/2 54/3 54/3 54/16 55/1 55/18 56/9 56/22 57/12 58/2 58/7 58/16 59/2 59/5 59/8 59/25 60/22 60/24 62/2 66/19 68/1 68/20 75/3 84/3 84/22 84/23 87/5 95/9 106/22 107/17 108/2 109/23 109/23 112/6 115/12 115/14 117/24 120/1 122/9 122/11 122/11 123/23 124/7 126/3 127/25 128/22 129/3 129/19 129/23 130/4 130/17 131/21 134/2 134/4 136/16 138/3 139/14 139/15 140/16 141/5 144/18 145/17 149/12 150/5 150/10 150/16 150/22 152/5 153/3 153/20 154/14 154/17 155/20 156/25 160/13 162/8 162/16 162/19 162/20 167/8 168/15 170/7 170/25 171/23 172/10 178/18 179/7 179/24 180/11 181/20 183/17 186/8 192/9 194/5 194/24 195/17	196/7 196/11 196/22 196/24 198/18 199/15 199/19 200/12 200/12 200/13 200/15 200/15 201/21 202/6 203/3 203/11 203/13 203/18 204/10 204/11 205/15 206/4 207/19 209/8 209/15 211/21 211/24 213/5 213/11 214/6 218/17 218/18 219/6 221/11 222/18 223/22 226/16 228/1 228/12 228/12 233/4 233/5 235/25 237/9 237/17 while [18] 12/11 16/11 17/24 21/17 27/22 32/17 36/17 50/21 66/1 66/13 69/1 82/4 82/18 89/25 96/5 160/12 230/4 235/15 whilst [12] 40/21 45/14 50/11 51/1 51/18 54/9 56/15 57/15 60/6 76/8 92/16 117/6 who [121] 4/19 7/5 8/25 11/22 16/19 26/18 28/23 29/3 29/25 31/6 35/4 35/5 37/13 37/24 39/22 45/21 46/14 48/15 48/23 52/16 59/23 65/6 65/9 70/20 71/1 80/18 82/10 84/10 87/7 94/5 105/12 117/2 118/21 118/25 122/5 124/5 124/13 125/7 127/20 129/2 130/1 130/18 132/16 132/17 133/17 133/22 133/22 133/23 134/5 134/9 134/16 134/24 134/25 135/17 136/3 136/14 137/13 137/23 138/1 138/4 138/8 138/20 140/2 142/21 142/21 144/23 145/19 146/1 146/10 147/11 147/17 148/15 148/25 149/3 149/4 149/5 149/8 149/13 151/8 155/10 164/10 165/4 170/22 174/9 181/25 182/2 182/7 182/14 183/7 187/7 187/24 188/1 188/9 189/6 189/7 189/9 190/6 190/17 191/6 196/9 196/10 196/14 196/19 199/21 207/19 218/11 221/18 222/5 225/2 226/5 228/22 229/17 230/6 230/23 231/10 231/22 231/23 231/25 234/4 235/12 237/10	who's [1] 171/17 whole [18] 12/10 12/10 16/11 77/4 119/25 147/6 148/6 151/3 151/9 152/10 156/18 183/9 183/22 189/11 204/5 225/1 231/4 231/7 wholly [1] 193/15 whom [1] 80/7 whose [3] 63/11 130/9 231/10 whosoever [2] 179/9 182/2 why [14] 93/21 126/18 128/13 132/4 146/16 149/21 169/8 171/4 182/22 184/20 184/21 199/11 211/3 212/24 wide [8] 42/9 70/11 130/4 142/17 147/6 151/2 163/18 233/18 wide-scale [1] 233/18 widely [3] 40/18 97/4 221/18 widen [1] 8/13 widening [2] 9/4 36/2 wider [32] 5/3 6/23 6/25 7/22 8/6 8/10 10/7 11/9 13/13 14/18 18/7 22/7 23/22 25/20 26/22 26/25 29/7 30/8 32/7 35/19 59/8 61/22 78/13 79/4 100/2 104/24 113/23 117/8 152/9 196/13 221/5 221/8 will [176] 1/12 2/14 2/22 4/17 6/2 7/8 10/7 11/13 11/18 12/13 16/13 16/23 17/4 19/24 26/18 26/22 29/21 31/3 35/18 36/24 39/20 40/14 43/2 43/20 44/3 44/13 45/1 45/4 45/14 45/15 45/17 46/14 48/15 52/20 54/1 55/13 55/22 57/10 58/14 59/21 59/23 62/4 63/5 63/5 63/16 64/11 64/14 64/14 64/17 67/9 67/15 68/2 68/7 68/8 73/12 77/1 80/22 81/7 83/2 83/18 84/7 87/20 90/13 91/15 92/19 97/24 97/24 97/25 98/21 99/22 100/15 100/19 101/6 101/6 110/12 112/9 118/1 119/5 119/6 119/12 124/4 124/13 125/25 126/18 126/23 126/23 127/5 127/5	127/8 127/14 128/7 129/25 130/1 131/1 131/2 133/3 133/11 135/15 136/6 138/7 139/7 140/20 146/5 146/19 148/12 150/16 150/17 150/18 150/21 150/22 151/1 151/4 152/18 152/23 159/1 160/17 166/18 166/25 166/25 167/13 168/4 169/2 169/16 171/5 173/4 173/12 173/14 173/16 176/13 177/19 179/11 180/6 183/8 183/14 184/14 185/1 185/1 185/2 187/22 188/15 189/2 189/21 190/17 192/24 194/18 194/25 194/25 196/2 196/17 196/18 200/22 206/19 206/24 210/5 212/13 212/24 216/1 216/1 216/2 218/1 219/23 223/25 226/9 227/14 227/19 228/3 229/21 229/22 229/23 229/24 231/2 232/4 235/1 236/14 237/17 237/19 willingly [1] 10/21 willpower [1] 202/12 wing [3] 60/6 128/17 136/8 wire [1] 118/5 withdraw [1] 171/8 withdrawing [1] 166/9 within [41] 11/9 12/4 27/3 39/22 40/18 49/20 51/7 51/18 61/22 66/18 66/23 67/4 67/18 68/25 71/7 71/24 76/7 79/17 79/20 82/7 87/14 87/18 100/1 102/20 103/9 108/18 112/5 114/24 120/16 132/23 154/4 155/16 168/25 183/19 200/7 205/20 205/20 215/8 225/11 227/25 229/18 without [16] 19/16 20/1 20/3 34/21 37/14 43/14 71/12 131/22 142/2 163/2 193/12 195/16 202/22 202/22 212/21 212/22 witness [1] 88/23 women [4] 13/24 134/22 134/24 135/4 women's [2] 167/15 168/10 won't [2] 179/10 190/15 wonder [2] 170/23	209/7 wondered [2] 87/8 216/16 wondering [1] 103/12 Woods [12] 124/13 152/23 152/25 200/21 210/5 213/6 216/12 221/20 225/17 225/24 235/4 238/9 word [7] 93/17 162/9 185/11 220/17 222/19 223/25 224/2 wording [1] 164/7 words [5] 42/1 47/19 53/16 60/18 175/3 work [74] 2/9 2/20 5/4 6/3 6/7 6/10 6/18 7/4 11/1 11/24 12/11 13/8 21/3 27/3 29/5 36/10 58/3 59/20 70/6 76/2 81/4 85/1 100/1 105/11 105/12 105/18 106/21 107/8 112/5 112/21 113/25 117/4 121/11 123/11 127/1 130/8 134/14 144/1 148/25 149/3 149/13 150/7 150/24 151/16 152/9 156/7 157/20 158/21 166/20 173/15 174/9 174/9 174/12 174/16 174/20 176/5 178/10 186/6 193/6 196/21 204/5 209/20 211/19 222/2 222/11 222/20 226/6 230/20 231/5 231/16 233/16 237/4 237/7 237/13 workable [3] 91/21 92/14 92/23 worked [5] 1/25 2/25 3/8 3/17 149/10 worker [2] 11/24 33/7 workers [5] 99/22 99/23 99/23 148/14 231/24 workforce [1] 27/22 working [30] 1/19 14/14 36/13 59/1 77/11 83/12 91/14 92/18 101/21 109/25 115/18 117/2 119/17 136/13 144/17 147/8 149/10 151/8 151/21 174/21 174/23 175/13 184/17 190/10 195/25 197/4 210/23 217/13 236/7 236/8 works [15] 4/8 11/19 15/23 59/2 81/14 105/23 107/8 125/5 146/8 151/6 159/12 173/21 203/2 218/21 236/11 world [20] 80/8 89/13
--	--	---	---	--

W world... [18] 112/5 113/9 120/15 130/24 131/17 132/20 132/21 132/24 134/6 135/6 140/25 142/2 163/1 175/11 178/22 191/23 198/12 206/14 worried [1] 128/24 worry [2] 96/4 217/24 worrying [2] 142/10 164/11 worse [3] 134/19 178/8 194/19 would [201] 5/6 7/12 7/19 8/11 9/11 18/1 19/3 19/19 25/12 30/5 30/20 43/16 43/17 47/8 47/11 47/20 49/6 50/2 51/9 52/18 57/21 63/22 64/2 64/3 84/13 84/13 84/17 85/7 85/17 85/23 85/23 86/14 86/15 86/22 86/23 86/23 87/1 87/9 87/10 87/25 88/23 88/24 90/14 90/18 91/8 92/6 92/22 93/22 94/2 95/8 95/9 96/17 96/19 96/23 97/9 97/16 98/11 98/18 99/8 102/21 103/16 104/4 104/8 104/11 104/13 104/15 106/8 106/11 109/10 109/11 109/13 109/17 109/20 109/21 109/23 109/24 111/24 112/14 113/25 114/14 114/15 114/18 115/7 116/3 116/17 117/7 121/6 122/5 122/9 122/11 122/12 130/19 131/19 132/16 143/21 153/10 153/11 155/5 164/5 165/23 172/12 174/10 176/10 177/20 177/22 181/22 182/24 187/25 188/9 188/13 188/14 189/3 189/9 189/15 190/14 191/25 192/13 192/23 193/1 193/5 193/11 193/20 193/25 194/1 194/3 194/5 194/8 194/15 195/9 198/14 198/15 198/16 199/4 199/15 199/17 199/18 199/19 199/24 200/3 200/12 200/12 200/13 200/14 200/15 200/16 200/23 202/21 203/11 203/12 203/15 204/7 204/9 204/11 204/15 204/20 207/15 208/20 208/24 210/1 210/3	210/4 212/12 212/15 213/9 215/16 215/19 216/4 217/14 218/13 218/14 218/16 218/20 220/1 220/3 220/17 222/1 222/5 222/11 222/19 222/22 222/24 223/14 223/18 225/7 225/15 225/16 225/20 227/6 228/1 228/1 228/13 229/5 229/10 231/13 232/6 233/12 234/1 234/4 234/10 236/4 236/11 wouldn't [6] 94/7 107/3 107/6 122/7 192/2 222/23 wrapped [1] 233/23 wrapping [2] 204/16 233/19 write [2] 87/21 218/11 written [1] 167/16 wrong [1] 188/5 wrote [3] 127/16 185/15 230/12 Y yeah [2] 196/5 233/12 year [20] 46/14 48/15 56/20 59/24 101/10 140/18 144/2 150/15 158/20 159/1 168/15 169/4 170/8 175/9 195/23 209/1 210/10 222/3 227/3 230/3 years [18] 3/15 16/5 48/13 83/4 83/4 139/17 142/9 159/19 162/11 166/10 172/13 177/14 177/22 188/19 189/16 192/17 208/8 208/19 Yemen [1] 179/8 yes [47] 1/4 37/3 62/24 89/3 91/4 94/16 96/19 101/5 103/10 105/15 108/10 108/20 108/22 109/17 111/16 111/22 112/13 115/15 116/5 117/6 117/12 118/6 119/15 121/22 122/9 122/21 123/3 123/20 126/7 152/22 173/8 194/25 195/6 195/20 196/11 197/10 197/11 199/9 199/10 202/3 204/8 215/7 216/8 226/1 226/19 233/25 237/16 yet [6] 46/6 91/21 98/6 105/9 170/1 216/18 YJB [1] 2/17 YJB's [1] 2/21	you [343] you've [2] 123/11 143/4 young [25] 9/19 36/6 52/5 55/20 56/15 57/8 62/8 79/11 80/7 83/1 108/7 110/9 127/20 129/1 132/14 137/9 138/16 138/25 140/2 141/13 146/10 147/23 150/8 187/20 192/12 younger [2] 83/2 129/7 youngest [1] 83/2 youngster [1] 141/14 your [46] 1/12 4/3 67/10 87/9 87/20 88/25 91/1 91/8 91/13 91/18 92/4 92/11 92/13 93/2 93/20 94/23 96/8 101/7 103/1 103/10 105/17 110/8 111/9 111/18 112/11 112/17 112/20 113/3 113/8 114/13 117/13 117/14 120/2 123/12 123/13 156/12 169/19 196/7 197/14 199/9 210/23 218/6 218/25 224/20 233/23 236/24 yourself [1] 139/6 youth [122] 1/14 1/16 2/2 2/10 2/13 2/20 3/6 3/7 3/8 4/18 4/23 4/25 5/2 5/4 5/7 5/10 5/13 5/18 5/21 5/22 5/24 6/3 6/13 6/16 6/20 6/22 8/3 8/5 8/9 9/6 9/14 10/1 10/6 10/25 11/15 11/23 12/24 13/2 14/7 14/10 14/20 15/23 16/13 16/24 16/25 17/1 17/4 17/11 17/14 18/14 18/15 18/22 18/24 19/6 19/9 19/22 19/25 21/18 22/11 22/11 23/20 24/13 25/2 26/5 26/21 27/3 29/6 29/11 29/15 30/7 31/15 32/4 32/7 34/20 35/10 35/15 35/16 36/5 36/18 52/3 53/24 54/22 54/22 55/15 55/19 55/23 56/11 56/21 57/4 57/20 73/21 74/6 79/9 84/24 88/4 90/16 90/24 96/22 97/22 99/1 99/9 99/16 99/18 99/20 100/10 100/12 101/14 102/8 102/9 102/12 104/16 105/25 108/25 110/1 110/12 111/10 113/10 113/10 115/19 119/24 121/16	233/7 youths [1] 99/3 YouTube [1] 212/3 YRO [7] 22/12 22/24 23/5 23/15 24/5 25/1 25/10 YROs [1] 23/25 Z Zealand [1] 144/16 zip [1] 138/18 zones [1] 57/24	
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