

scottish justice matters

CYBERCRIME





INTERNET OFFENDERS AND CRIMINAL JUSTICE SOCIAL WORK SERVICES

Stephen Lindsay

TECHNOLOGY has always been used for sexual purposes. From Victorian times the development of the camera was used to produce pornographic still images. In the 1970s video technology made moving images available and created the concept of the porn star. Digital technology moved this material to DVD. The internet brought with it adult websites, movie downloads, streaming images and live sex shows. That the sexual exploitation of children has taken place within this technological context comes as no surprise.

In this article I reflect on our understanding of the role that the internet plays in sexual offending and what we know and don't know in criminal justice social work.

Criminal Justice Social Work Services

Criminal Justice Social Work Services (CJSWS) provide Scottish Courts with reports to assist judges with sentencing during which they complete a risk assessment. This highlights factors that are more likely to lead to future offending and areas which could be supported to decrease the risk of reoffending. We supervise offenders aged 16 and over who have been made subject to community supervision (Community Payback Orders, formerly Probation) or post custody supervision (various types of licences).

Criminal justice social workers are usually employed by local authorities in Scotland and work closely with other organisations including other social work services, such as child protection, mental health, accommodation providers, health services, the voluntary sector, the Scottish Prison Service and Police Scotland.

Multi-Agency Working

Social workers rarely work in isolation. The Management of Offenders etc. (Scotland) Act 2005 introduced a formal process and infrastructure from 2007: MAPPA (Multi-Agency Public Protection Arrangements) co-ordinates the work of local authorities, Police Scotland, the Scottish Prison Service (SPS), and health (the 'Responsible Authorities'), to work in partnership to jointly assess and manage the risk posed by registered sex offenders, mentally disordered restricted patients and other offenders. A number of other agencies are under a duty to co-operate with the Responsible Authorities. These include housing providers, the voluntary sector and the Children's Reporter.

In Dundee we went a step further and, in 2006, we co-located the Criminal Justice Social Work Public Protection Team, Police Scotland Offender Management Unit, MAPPA Co-ordinator and MAPPA Liaison Officer for NHS Tayside in our CJSWS office. This allows us to share information and make decisions within a very short space of time. I believe that this overcomes perceived agency barriers and enhances our ability to work in partnership.

Risk Assessment

Accurate risk assessment is vital to inform decision making in the areas of sentencing, risk management, and treatment. Criminal justice social workers and Police offender management officers are experienced in using a set of risk assessment tools that have been introduced across Scotland over the past few years. These include Risk Matrix 2000 (risk

of sexual re-conviction), Stable and Acute 2007 (risk of sexual re-offending) and LS/CMI (risk and needs factors). These tools have changed the landscape of assessing and managing sex offenders, enabling social workers to develop and apply a well-researched knowledge base to their assessments and management of individual offenders.

These tools have been developed using data that has, by and large, been drawn from meta-analysis of research into all kinds of contact and non-contact sexual offending, such as child sexual assault, rape of an adult and indecent exposure. None of these tools were developed with internet offending in mind (see also Quayle on page 17). Indeed, there exists a range of opinions as to the extent to which men convicted of possession of indecent images have features that are similar to those men that have committed contact sexual offences.

Treatment

The primary intervention approach for registered sex offenders in Scotland is a groupwork programme called 'Moving Forward: Making Changes' (MFMC). It can also be delivered on an individual basis. It is an accredited programme developed by the Scottish Government and the Scottish Prison Service for the treatment of adult male offenders who have been assessed as posing a medium and above risk of reoffending. It is delivered both within prison and in the community and uses a robust sexual offending research base to reduce the risk of reoffending and to create opportunities to adopt an offence-free lifestyle. This is an area of good practice and specialist teams, projects and individuals are involved in the delivery of this work in partnership with ourselves with the goal of public protection.

Whilst MFMC can include some individuals convicted of internet sex offences, many will fall below the criteria outlined within the MFMC assessment manual and will not be included. Such offenders will continue to be managed and monitored under MAPPA.

Internet Sex Offenders: Emerging Issues

According to the Office of National Statistics (2016), there are 87.9% adults in the UK that have internet access. This rise in the use of the internet and with it, social media, is a means by which sex offenders can target and abuse children and young people.

The number of sex offenders identified and managed through MAPPA also continues to rise: this can in part be a reflection of an increase in the reporting of sexual crime to the Police and also an increase in convictions for internet offending.

Since 2013, Police Scotland has proactively raised and responded to intelligence reports including information provided by the National Crime Agency CEOP (Child Exploitation and Online Protection) that have led to the detection of 679 individuals for internet related offences with cases being progressed through the criminal justice system. The majority of convicted offences are under sections 51 and 52 of the Civic Government (Scotland) Act 1982 relating to possession of indecent images of children. Between 2012 - 2015 over 92% of the 1199 offenders convicted of internet related offences fell into this category. The number of offenders convicted in the past three years of internet related offences shows an increase of 109% (HMICS, 2015).

There still remains limited research in this area of offending and at this time there is a view that internet offenders reoffend at a lower rate than contact offenders. However some studies emphasise crossover offending between internet offences and contact offences. Assessing the potential risk that an internet offender poses of committing a contact offence is an area where we still lack knowledge. Psychological research is by its very nature longitudinal and we do not, at this point in time have sufficient breadth and depth of reconviction data available for researchers to work with. There are no nationally adopted risk assessment tools for those who commit internet related offences. One tool, CPORT, developed in Canada, shows promising results that are consistent with the tools we currently use (see also Quayle page 17). However, it is based on one study and the authors themselves emphasises the need for further research and testing of this tool across wider populations (Seto et al, 2015). Notwithstanding this, the risk factors suggested by this tool do not differ markedly from those contained within existing tools. It is likely therefore, that further research will extend rather than revolutionise our knowledge base. I find this reassuring, it means we are on the right track.

A key finding of the Joint Thematic review of MAPPA in Scotland is that staff require additional guidance in the assessment of risk of further offending that internet offenders may present. This has been tasked to Scottish Government in partnership with the Risk Management Authority (RMA) and responsible agencies (HMICS, 2015).

Police Scotland and criminal justice social work staff have a key role in managing risk, including monitoring an offender's online activities. Police Scotland have access to software that can scan computers used by some offenders. However, this software does not scan portable equipment such as tablets and smartphones. The Review recommended that Scottish Government assess the technical capacity and capability, training and guidance to support staff monitoring use of such devices. It is not clear as to whether this would be a role for Police Scotland or for CJSWS (or both). In our team we regularly take drug swabs for testing and have the capacity to conduct alcohol testing. I see no reason why monitoring the use of digital equipment could not fall within the remit of CJSWS though others may see this as a step too far.

We are currently going through a phase where we are beginning to see the results of research into the area of internet offenders. Further research is needed to extend and consolidate what we already know and help us to understand what we don't currently know. In the meantime we can continue to use tools that continue to be fit for purpose. Any additions to those will enhance our ability to make informed decisions about managing this group of offenders and will therefore be welcomed.

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Her Majesty's Inspectorate of Constabulary in Scotland and the Care Inspectorate (2015) Joint Thematic Review of MAPPA in Scotland

Office for National Statistics (2016) Internet Users in the UK: 2016.

Seto M et al (2015) Predicting Recidivism Among Adult Male Child Pornography Offenders: Development of the Child Pornography Offender Risk Tool (CPORT) Law and Human Behavior 39(4), 416-429.