

# scottish justice matters

**CYBERCRIME**





## Ethel Quayle

**THE LAST** two years have seen a number of reports highlighting increasing technology-mediated crimes against children in Scotland, and more widely across the UK. For example, the NSPCC report 'How Safe are our Children' (Bentley et al., 2016) indicated that the number of sexual offences against children continued to rise across Scotland and the UK and that ChildLine had provided more counselling sessions about sexual abuse, or online sexual abuse, than any other abuse-related concerns.

In Scotland, 1,904 indecent image offences were reported over the last three years and the Joint Thematic Review of MAPPA in Scotland (2015) indicated that approximately 5,000 sex offenders were being monitored, with a recent rise partly due to the high number of people being convicted for Internet-related offences, such as possession of IIOC (indecent images of children) and grooming. This report also called on the Scottish Government to develop a strategy to combat 'sexting' which was felt to be putting young people at risk, leaving them vulnerable to online exploitation but also potentially resulting in children becoming subject to criminal justice processes. The HM Inspectorate of Constabulary in Scotland Crime Audit (2016) positions online sexual harm and fraud as emerging threats, with 11.4% of sexual incidents audited having a 'cyber' element, a substantial number of which related to children. This may contribute to harm, but also places an increased burden on the police, with more children experiencing sexual crime through commonly used applications on smartphones and tablets.

In Scotland, the most commonly reported online sexual abuse and exploitation crimes relate to the possession of IIOC (also known as child exploitation materials and child pornography), but these crimes also include production and distribution of images; online grooming of children for sexual purposes; 'sexting'; sexual extortion of children ('sextortion'); revenge pornography; commercial sexual exploitation of children; exploitation of children through online prostitution, and live streaming of sexual abuse. While these crimes pre-date

the internet, their topology and reach are clearly shaped by technology, and there is some evidence from longitudinal studies that they are associated with a range of adverse social and psychological consequences.

The importance of these crimes, and the resources needed to manage them, are contested, as existing evidence suggests that online violence forms a very small part of violence against children more generally, and that there is a danger of investing heavily in these crimes at the cost of other forms of violence. It has been argued that there is little empirical support for technology significantly increasing violence against children, or that the use of technology amplifies the effect of violence, particularly in regards to victim experience.

However, it is apparent is that technology affords opportunities to offend, and for adolescents to take sexual risks, and that engagement with technology impacts on the individual's behaviour, mood and ways of thinking. The US longitudinal NJOV (National Juvenile Online Victimization) study, (Walsh et al, 2012) collected data at three time points (2000, 2006, 2009) on technology-facilitated sexual crimes against children. Between 2000-2006 arrests increased (2577 to 7010), with 8144 in 2009. Approximately half were for possession of indecent images of children. Arrests for crimes where the victim was known to the police (through child pornography production) increased by approximately 30 per cent between 2000 and 2006, and doubled between 2006 and 2009. This reflected a large increase in offenders who were known to their victims (described as family and acquaintance offenders). The increase in arrests for the production of child sexual abuse materials merits was largely driven by 'youth-produced sexual images' taken by children 17 years or under. In most of these cases the person arrested was an adult who had solicited images from a minor. There were also more adolescent victims in 2009. In the UK similar increases in conviction rates are indicated.



The volume of offenders (and the likely commission of a contact offence) has led to the development of specific risk appraisal tools such as the Kent Internet Risk Assessment Tool (KIRAT) and the Child Pornography Offender Risk Tool (CPORT: Seto et al, 2015). The need for both reflects anxieties about the growing number of offenders convicted for possession of child abuse images and the challenges faced by law enforcement in managing these cases, analysing increasingly large collections of images, and needing to prioritise where resources are committed. This is also an issue for Scotland where the cost and time involved in forensic analysis of digital media is considerable.

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There are challenges in how risk might best be assessed. 'Risk Matrix 2000' and 'Stable 2007' are used as standard risk assessment tools in Scotland and the rest of the UK, but there has been comparatively little research on their predictive validity with online sexual offending. The development of CPORT examined predictors of sexual recidivism in a 5-year fixed follow-up analysis from Ontario police case files of 266 male adult online offenders. After 5 years 29% committed a new offence, 11% a new sexual offence and 3% a new contact sex offence (9% a new Internet related offence). The CPORT had moderate predictive accuracy (see below) and clearly needs to be examined with a larger sample.

It has been argued that there are no evidenced-based protocols to help guide practitioners with the assessment and treatment of Internet offenders, many of whom would have been convicted of the possession of indecent images of children. However, in the UK in 2006 an accredited treatment programme was developed (iSOTP) and clinical impact was assessed following completion of pre and post-psychometric assessments by 264 convicted offenders (Middleton et al, 2009) and indicated improvements in socio-affective functioning and a decrease in pro-offending attitudes.

In Scotland, the move has been towards a more integrated programme for offenders convicted of online sexual offences, with the development in 2012 of the 'Good Lives' approach to intervention (Harkins et al., 2012), rolled out across Scottish prisons and Community Programmes. Other UK treatment developments, such as 'Inform' and 'Inform Plus', have been developed by The Lucy Faithful Foundation, and provide a structured psychoeducation programme for Internet offenders ([www.lucyfaithfull.org.uk](http://www.lucyfaithfull.org.uk)) and is also offered in Scotland by Stop It Now ([www.stopitnow.org.uk](http://www.stopitnow.org.uk)).

Recidivism rates of Internet offenders are low (when using conviction data). In Seto et al's study, (2015) risk factors for sexual recidivism included antisocial propensities such as younger offender age, criminal history, conditional release failure and atypical sexual interests (greater interest in boys than girls, as reflected in content; admissions/diagnosis of sexual interest in children).

However, even if recidivism rates prove to be lower than seen in contact sex offenders, the growth of these crimes remains a concern and a priority. There is evidence of the effectiveness of police activity, particularly pro-active policing such as Operation Latisse in 2016 where Police Scotland seized 30 million indecent images and charged 77 people. We know that disruption tactics such as blocking efforts by Google and Microsoft have resulted in a 67% drop in the past year in web-based searches for child sexual abuse materials compared with no blocking activities from Yandex who demonstrated no commensurate drop (Steel, 2015). Activity over the last 10 years by the US Financial Coalition Against Child Pornography, involving leading banks, credit card companies, electronic payment networks, third-party-payments companies, and Internet services companies, has resulted in more than a 50% drop in the number of commercial child abuse image websites reported to the U.S. CyberTipline ([www.missingkids.org/cybertipline](http://www.missingkids.org/cybertipline)). Websites offering child abuse images now frequently direct buyers away from traditional payment methods such as credit cards.

What is striking in Scotland, as well as internationally, is that over the last 20 years we have seen a high level of collaboration between law enforcement, industry, child protection services, prison and probation services, educational organisations, families, financial services and civil society, alongside charities, government and non-government organisations to work towards preventing and managing online sexual abuse and exploitation. It is this cross-disciplinary, multi-stakeholder approach that has been so effective in increasing awareness, limiting access, reducing content, offering support to those worried about their thoughts and compulsions and helping manage those who have committed an offence.

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See also: National Crime Agency <https://www.ceop.police.uk/>