

Technology as a means of committing crimes: online grooming

Technology has become an increasingly utilized tool used by criminals of all kinds, but specifically, it has given paedophiles a direct gateway to accessing their victims through platforms such as social media, discussion forums, and gaming devices. In this paper, I will briefly outline the rise of online child grooming, the ways and means in which perpetrators abuse the internet to seek out and communicate with victims in unprecedented ways, and are able to commit some of the most covert yet sinister offences behind the protection and anonymity of a screen (Beech, 2008).

The term 'grooming' has adopted strong connotations with paedophilia in the last fifty years, and is defined as an individual building relations and an emotional connection with a child, or sometimes a family, with the motivation of committing a sexual offence upon them once they have gained their trust (NSPCC, 2020). These offences can extend beyond their personal inclinations, but can also be a tool to fuel child trafficking and pornography. The advent of the internet has made the process of grooming far easier, as it enables 'catfishing'; a term coined to describe the process of deceiving someone into believing a false online identity, in order to build a relationship with them. Perpetrators will often conceal their identity and pose as peers of their victims, in order to maximise their chances of forming a relationship with them, through using photographs of teens in their profiles, or even impersonating people who are known to the child personally. They can use this to commit cybersex trafficking crimes, to coerce child pornography from their victims, and to plan physical meetings with them to commit sexual offences. In recent years however, there has been less emphasis on persuasion to meet the child in person, but rather grooming them to produce images, videos or webcam calls involving pornographic content (Gillespie, 2006). This is often then used for personal sexual gratification, distribution to online paedophile rings and, in some cases, to blackmail the victim into producing more. For this reason, online grooming has grown exponentially in recent years, and has risen by over a third in the space between October 2018 and April 2019 (NSPCC, 2019).

The complex and rapid development of this form of cybercrime has presented a huge task for law enforcement to produce policy and policing tactics in order to combat it, and to safeguard the victims involved. A common issue faced by forces globally was that offenders were only criminalised once they had subjected a child to a sexual assault, inhibiting the safeguarding of these individuals, to avoid falling victim to an assault in the first place. The British Indecency

with Children Act 1960, indicated that online grooming fell under the category of 'incitement to commit a sexual offence' (Abel, 1984). Despite this, there was a lot of grey area surrounding it, because grooming itself was difficult to identify as an act of indecency, as the implied intent to invite the child to commit a sexual act was insufficient to charge an individual; more explicit language had to be stated rather than inferred. Consequently, some grooming cases with insufficient evidence of explicit incitement would not be served justice, and may potentially have led to recidivism from perpetrators.

The deficiencies in these laws were highlighted by the NSPCC in 2014, leading to a response from the British government by adding 'sexual communication with a child' as an offence to the Serious Crime Act 2015 (Elliott, 2015). For this reason, this act was repealed, and replaced with a far more detailed Sexual Offences Act (SOA) 2003, making any sexual communication with a child illegal, regardless of whether a sexual act had taken place, from April of 2017 (GOV.UK, 2020). This development criminalised individuals for demonstrating intent to sexually assault a minor, and in turn, could enable police to safeguard potential victims, before the point of a sexual act, and from reoffending. However, this section details that the defendant must take two definitive steps; to communicate with and either to meet, arrange to meet, or to travel to meet a child with intent of committing a sexual offence. Therefore, simply engaging in communication with a child can be insufficient to lead to a conviction, as groomers rarely use indecent or offensive language, but rather will flatter and compliment the child to build a relationship with them. This offence instead requires communication which elicits a sexual response irrespective of the original message, and can lead to a prison sentence of two years, and ten years on the sex offenders register (GOV.UK, 2017).

The police have had to adapt to the ever-changing threat that online grooming poses through adopting new tactics into their policing. Despite the fact that the evolution of online grooming has posed a greater threat to society with regards to the ease of access to children, police often are at a greater advantage when dealing with this, as opposed to offline grooming, that they have difficulty gaining direct access to. Covert sting operations are a popular tactic used in modern policing, with the aim of identifying potential perpetrators and to intercept them before engaging in sexual offences through impersonating children online (CPS, 2019). They collect evidence to prosecute them under the Indecency with Children Act, by 'incitement to commit a sexual act' which could include requesting or exposing them to indecent imagery or videos, or persuasion to meet them, where the police would arrest them at the meeting place (CPS, 2019).

An instance of using this tactic can be exemplified by the London Metropolitan Police in the case of Kenneth Lockley. Scotland Yard arranged to meet Lockley in a hotel room, whilst impersonating a nine-year old girl in May, 2000, and was arrested in possession of condoms. However, Lockley was not charged with attempted unlawful sex with a minor, due to the argument of the defence that no child was ever physically involved (Gardener, 2000). Consequently, this demonstrates that the legislation in place under the 1960 Act with regards to online grooming was insufficient at intercepting paedophiles before gaining access to real children, and failed to safeguard future victims from being preyed on by groomers, who had the potential to reoffend. However, the repeal of this act has meant that law enforcement has a lot more scope and power to convict.

Furthermore, this case study highlights that this tactic has proved one of the most successful in the proactive fight against paedophiles, not only to intercept them, but to gather hard evidence of their communication, as the police can record the whole grooming process. This additionally provides them with data to analyse and to identify patterns of grooming behaviour, which broadens their understanding of this form of cybercrime, for greater intervention in future endeavours (Griffiths, 2000). Equally, spreading awareness of the use of sting operations as a tactic of arresting groomers acts as a deterrent for prospective online predators, through introducing an element of doubt surrounding the true identity of their victims.

On the whole, online grooming has become one of the most threatening forms of cybercrime to evolve with technology. It seems that so long as technology, social media and the internet remain available to children, the risk of being perpetrated upon by online groomers remains concerning. Encouraging amendments of policy made in recent years, including Sexual Offenders Act 2003, gives reassurance that the British criminal justice system is taking steps in the right direction to eradicate this threat. Moreover, the tactics that have been devised and adopted, like sting operations, are widely considered successful where implemented. Despite this, statistics show that online grooming remains on the rise, therefore similar tactics must be enforced by law enforcement to maximise the effect of their action against online grooming, and thus more serious sexual offences that ensue. Alternatively, more education surrounding online grooming should be delivered to children and their families, through police community liaisons, and educational lessons in schools, to ensure awareness is raised surrounding this form of

cybercrime to equip potential victims with knowledge to be able to protect themselves and their children (Palmer, 2005).

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