

Technological Effects on Victim Identification in Police Investigations of Child Abuse Material

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Abstract

The development and use of digital technologies have profound effects in society. On the one hand, the technologies can be used for illegal activities such as the production, distribution and possession of child abuse material. On the other hand, the technologies can be used as powerful and effective tools to combat and investigate these crimes. Child abuse material constitutes crime evidence portraying serious and harmful crimes against children. Law enforcement should therefore focus their efforts on identifying both the offender and the victim involved in the creation of the material. Traditionally law enforcement agencies have focused their efforts on the offenders that have been in focus for identification, prosecution and often also for rehabilitation. Thus, law enforcement has devoted resources towards convictions for the distribution and possession of child abuse material rather than attempting to identify and protect the children in the material. This research in progress paper will therefore explore how digital technologies affect victim identification in police investigations of child abuse material. To explore this area, a qualitative study has been applied with semi-structured interviews with individual police officers at the Swedish Police.

Keywords: digital technologies, technological affordance, child abuse material, police investigations, victim identification

1. Introduction

The development and use of digital technologies have profound effects in society at large and for organizations (Cascio & Montealegre, 2016). On the one hand, the technologies can be used for illegal activities such as the production, distribution and possession of child abuse material. On the other hand, the technologies can be used as powerful and effective tools to combat and investigate these crimes (Reed & Murray, 2018). Digital technologies have facilitated the production, distribution and possession of child abuse material (Eneman, Gillespie and Stahl 2010; Eneman, 2017). Child abuse material, previously often referred to as child pornography, refers to documented material depicting the sexual exploitation of children ranging from images of children posing (usually naked) to material portraying physical sexual abuse. Consequently, child abuse material constitutes crime evidence portraying serious and harmful crimes against children. Law enforcement should therefore focus their efforts on identifying both the offender and the victim involved in the creation of the material. Traditionally law enforcement agencies have focused their efforts on the offenders that have been in focus for identification, prosecution and often also for rehabilitation (Walsh et al, 2013). Thus, law enforcement has devoted resources towards convictions for the distribution and possession of child abuse material rather than attempting to identify and protect the children in the material. It has been highlighted that identifications of victims are difficult and that it is much easier for law enforcement to focus on the offenders both in terms of opportunities for detection and in terms of the publicity derived from successful operations (Davidsson and Gottshalk, 2001; Taylor and Qualye, 2003). The focus should however include both the offender and the victim. Victim identification and child protection should permeate the investigation work of child abuse material. We know from research that sexual abuse of children in many cases occur by an offender closely related to the child and that strongly emphasizes the importance of trying to identify the victim to hinder the abuse to continue and ensure the child is provided necessary therapeutic treatment (Sheldon and Howitt, 2007; Gillespie 2015). The need of academic research regarding victim identification of child abuse material has been articulated both on an international level and on a national level here in Sweden. The awareness and consideration of victims have increased and a number of measures have been taken to improve victims' possibilities for support and protection in our society. This research in progress paper argues however that much remains to be done within the context of child abuse material and calls for urgent attention for a focus upon victims in relation to this context. The children that have been abused and portrayed in these types of material have been exposed for a serious crime and its documentation (the child pornography material) should be subject for victim identification in order to try and identify the children involved (Interpol, 2017). *Therefore, the aim of this research in progress paper is to explore how digital technologies affect victim identification in police investigations of child abuse material.* To investigate this specific research area, a qualitative study has been applied using the Swedish Police as a case where interviews with 15 individual police officers have been conducted. All the police officers have been involved in investigations of child abuse material.

2. Child Abuse Material and Victim Identification

Child Abuse Material

It should be noted that child abuse material is not a new phenomenon created by modern digital technology. The phenomenon existed long before the increased digitalisation of our society with historical evidence indicating that adults' sexual interest in children dates back to ancient times (Taylor and Qualye, 2003; Eneman, Gillespie and Stahl, 2009). Modern

technology has however changed the circumstances for individuals with a sexual interest in children to produce, distribute and access child abuse material. In addition, the technology facilitates interaction with other like-minded individuals sharing the sexual interest of children and for adults to seek contact with potential victims to abuse (Eneman, 2010; Davidsson and Gottschalk, 2011).

Accessing child abuse material prior to the widespread use of digital technology during the mid 1990s was more difficult, often involving a personal visit to a specialist shop or contacting a mail-order company (Gillespie, 2008), which involved physical exposure that increased the risk for the individuals that their behavior would be detected. As recognized modern technology has become the primary medium for the distribution of child abuse material. Furthermore, it has also been recognized that child abuse material available in our digital society is increasing and that the average of age of the children being portrayed in the abusive material is decreasing (Taylor and Quayle, 2003; Quayle et al, 2006). A unique and serious consequence with the use of modern technology as a medium is that even in cases where the offender is caught, the victim identified and the criminal case successfully prosecuted, the harm to the child involved continues since the material are circulating and remains accessible.

This paper deliberately uses the term child abuse material and takes a critical statement against the use of 'child pornography'. The term 'child pornography' has been, and unfortunately sometimes still is, used to refer to sexually explicit material of children. Gillespie (2008) notes that experts view 'child pornography' as 'an extremely controversial label', as it reduces the gravity of what the material portrays and invites comparisons with adult pornography. Furthermore, there is no single accepted definition of the term 'child pornography', which can be problematic. Interpol defines child pornography thus: 'Child pornography is created as a consequence of the sexual exploitation or abuse of a child. It can be defined as any means of depicting or promoting the sexual exploitation of a child, including written or audio material, which focuses on the child's sexual behaviour or genitals' (Sheldon & Howitt, 2007). This definition is useful since it highlights the fact that the material can exist in different forms: for example, visual, audio and textual depictions (Gillespie, 2008). Quayle et al. (2008) recognize that there has been a significant change in the discourse when referring to sexually explicit material of children. They note that professionals have started to use the terms 'abusive images' and 'abuse material'. As shown above, with Interpol's definition, not all sexual depictions of children are visual, therefore the latter term 'child abuse material' is perhaps more appropriate as it also captures non-visual material such as audio and text (Sheldon & Howitt, 2007). Definitions and discourses of phenomena are social constructions created within a historical, political and social context. The proposed project will, as mentioned above, use the term 'child abuse material' since it more appropriately describes the content of the material.

Victim Identification

When an individual sexually abuses a child and documents the act of abuse for future sexual gratification or for sharing and trading with others by using digital technologies, what is really being documented is evidence of a serious crime that it is the obligation of the police to investigate. Photographs and films depicting child sexual abuse found on for example the Internet are not merely a cybercrime occurring online, this material is the documentation of real crime involving physical persons. Victim identification is the term used to describe the analysis of child abuse material, i.e. photographs and films portraying sexual abuse and/or exploitation of a child, with the aim of identifying and locating the child and/or offender involved in the material (Davidsson and Gottshalk, 2011). Victim identification could be described as a combination of traditional investigation work and image and film analysis.

Image analysis within this context refers to the examination of the visual and audio content of those photographs and films for identification purposes (Taylor and Quayle, 2003; Walsh et al, 2013).

Effective victim identification strategies developed on international and national levels are required. They must originate and filter down from the highest level to ensure that the response is comprehensive, cohesive and inclusive at both international and national level (Holland, 2005). There appear, however, to be limited national or international policies on the identification of children in child abuse images whereas many countries have laws that respond to the production, distribution and possession of these images (Finkelhor, 2005).

3. Research Design

This research in progress paper has used the Swedish Police as a case to examine relevant work practices in relation to the investigation of child abuse material. The police is a public authority with a broad societal mission aimed at reducing crime and increasing security in society through preventive, interventive, and investigative activities (Manning, 2008). This implies that the police constitute a concrete case of government work that must relate to a variety of requirements for legitimate and lawful work. As a case, this will provide access to a rich material of different aspects related to crime investigation of child abuse material.

The study has until now conducted interviews with 15 police officers involved in the investigation of child abuse material and the ambition is to conduct interviews with a total number of 20 police officers in order to understand how the individual police officers conduct their investigation work. All the respondents have experience from being involved in investigations of child abuse material. The interviews were semi-structured and based on an interview guide designed with a number of broader themes that encouraged the respondent's for in-depth discussions, follow-up questions and thus also provided for perspectives and ideas that was not foreseen when the guide was designed. A majority (13) of the interviews with the police officers, were conducted at their workplace whereas two interviews took place via Skype. The interviews lasted between 1-2 hours. each. Before each interview, information was given about the study and permission to record was asked. All the interviews were sound recorded after approval. Once the recorded interview material was transcribed by the Transcriptions agency the material was read and re-read and notes were made.

The study follows the ethical rules and guidance for research formulated by the Swedish Research Council. Informed consent and confidentiality have been applied in the study and personal information has been removed to ensure the confidentiality of those involved.

The next step in the continuance of this study is to complement the interviews with further five police officers from other regions in Sweden. After the focus will be on the analysis and develop this research in progress paper to a full research paper with a more detailed result and a thorough discussion section.

4. Concluding remarks

During the work with this research in progress paper a number of initial interviews were conducted with police officers involved in investigation work of child abuse material. The initial results from these interviews shows at this early stage:

The organisational context, where the crime investigation occur, is central for how the work is organised and can be conducted. The time aspect seems to be noticeable from different angles and that needs to be understood in relation to organisational factors such as resources, competence and prioritizations. One respondent described it like this:

I would say that one of the largest challenges that we have, is that these cases often are lying for quite some time before they reach us or before we have time to start work with them and then you are limited by time when it comes to search, conduct IP-tracking or do the different actions that are need to find the offender and also to identify victim or if it is several victims. Because that is after all what we want to do. (Police 1)

Police work should be organised in line with legitimacy and rule of law and therefore guidelines and other policy documents are important for the individual police officers. The identification work related to child abuse material is an activity that requires e.g. competence and time to be able to conduct it:

You need peace and quiet to be able to work with victim identification and this is unfortunately in many cases a neglected work due to other work such as crime investigation of child pornography with the focus on the suspect. The work with victim identification requires quite a lot of co-ordination to be effective. We need to know what material to work with and how to work with it There have been a lack of national guidelines or any national manual on how to conduct this. So much of the identification work that been practiced in Sweden has been conducted thanks to a couple of things: that certain individuals understand the value of working with victim identification, because if you work with identification than you need to have time and that requires an understanding from the bosses (Police 15)

For several of the respondents the involved technology constitutes a difficult and complex dimension to the investigation work. This highlights the need and importance of adequate education and training to secure technological competence for the investigators:

Well, a great deal of the challenges refers to IT, that is a difficult world for us working with child pornography crimes. It is difficult and we would need how many digital forensics as possible. We would need someone to tell us – how to do things, what does this mean and how to proceed – because it is a difficult world. Even if you are decently skilled at IT, you still don't know how and what to do with certain things. (Police 4)

One of the characteristics with digital technologies is that it enables for the distribution and downloading of large volume of material. A consequence of this is that cases with possession of child abuse material can consist of huge volume of images and/or films:

It was a very large possession crime, I think he was convicted for 340 000 images and films. (Police 12)

The duality of technology in the context of child abuse material means that on the one hand the technology could be used to produce, distribute and download the material and on the other hand it could be used as powerful and effective tool by law enforcement to investigate the crimes:

When we sort and examine the material, then we use a technological tool and in our database we can see what material that already has been categorized which make our work easier [..]

when we have identified and find the material that are illegal we always also analyse the traffic to see where the files come from, how has the suspect got hold of them, has he distributed them or made them available for anyone else? So, we look at that with our software (Polis 12)

It is considered important to work through all the material that has been confiscated to search for any own-produced material, because that could mean that a child or children are in danger and risk being exposed to further abuse. In addition, the investigators are also searching through the material to identify what different times of crime classifications that the suspect should be prosecuted for.

The main reason, from our point of view here, is that we need to examine all material since we don't know if any part of the confiscated material could contain own-produced images [...] and we always examine all the material. (Police 6)

To conduct crime investigations effectively, it is important with both national and international co-operation and ensuring that investigators involved in the work with child abuse material have access to the same technological infrastructure, which once again highlights the importance of the organisational setting:

A concrete suggestion is to give as many investigators as possible access to the international database with identified victims. Because when you as investigator find images or films in a confiscated computer and not immediately can tell if this is the suspect's children or relatives or other, then you will ask yourself the question - is the child already identified or is it child that is exposed to danger right now? Therefore, it would save a lot of time and questions for those colleagues if they have access to the database and can do a quick search and find out that these images are already identified, so we don't need to put time and effort on identifying these particular children. (Police 10)

To conclude, the aim of this research in progress paper was to explore how digital technologies affect victim identification in police investigations of child abuse material. The preliminary results show that digital technologies bring both opportunities and challenges for police investigations of child abuse material. On an organisational level there is a clear need of education and training to improve the technological competence in combination with methods and guidelines for investigating child abuse where victim identification always should have a central role.

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