

The influence of technology on criminal behavior



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“ That technology influences criminal behaviour in all its aspects can hardly be disputed. If mobile phones and laptop computers are available for seizure by thieves and robbers, technology in the form of anti-theft devices for vehicles and burglar alarms for buildings have also played their part in deterring the felons.” The advancement of technology clearly alters and extends crime and criminal behaviour and has resulted in new offences coming into existence. In turn, criminal detection and legislation has reacted to the effects of technology upon crime, often by adopting new technology and including reference to technology in legislation and judgments. Offences such as fraud have developed through technological advancement resulting in offences becoming much easier to perpetrate: “ The requirement that a person be outside his place of abode when going equipped [to commit fraud] may have worked in 1968, but in the modern world, with computers, fraud may be perpetrated by a person sitting at his computer terminal in his home.” Nicholas Yeo highlights how the adapting legislation attempting to tackle the effects of technology upon crime have resulted in Prosecutors having a “ wide palette of overlapping offences, from which to select”. This demonstrates the extent to which the Criminal Justice system is adapting to accommodate technological advances in crime.

But what of offences pertaining to the person such as assault and sexual offences? Technology has greatly extended our understanding of what constitutes a sexual offence predominately through the medium of the internet. This form of technology allows sexual offenders to commit offences against children without having to be in the child’s presence. It is arguably the internet which most illustrates the extension of the human body which

technology may allow. The internet has implications for other crimes against the person, notably the offence of harassment arguably bordering on assault. This essay will assess the implications of the internet illustrated through the offences of sexual grooming and harassment to demonstrate the extent to which technology effects crimes against the person both the offender and the victim.

Where crimes develop, clearly crime detection and control must evolve to match this development. Crime control has developed significantly through time, no more than in recent years, due to the advancement of technology. This essay will focus upon the replacement of traditional “bobbies walking the beat” with CCTV and Electronic witness statement recording. In addition, the methods used to tackle the modern effects of the internet and other technologies upon crime will be considered. Technology has acted to extend criminal activity beyond what was previously physically possible but it has also extended the capabilities of police officers and criminal agencies beyond what was traditionally achievable utilising man power alone.

As Richard Card highlights, “Paedophiles have not been slow to make use of the internet to gain the trust and confidence of children in “Chat room conversations”... for their own purposes.” In light of this, the criminal justice system has legislated, through the Sexual Offences Act 2003 to protect children from internet grooming. S 15(1) provides that an offence is committed should an adult communicate with a child under 16 and intentionally uses this communication to meet with a child to commission an offence. “Communication” extends to the use of the internet. Under the 2003 Act, for an offence to be committed, the offender must meet with the

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child and then commit a further sexual offence. However, of course there is the inchoate offence of attempting to “ groom” a child and this sexual offence can be committed purely through the use of the internet. This is an illustrative example of sex offenders using the internet not only as a tool to commit physical crimes but to gain sexual gratification in and of the act itself. However, the Judgment in R v Bollingbroke demonstrates that the Judiciary is aware of the effect of technology upon sexual offences committed and facilitated through the internet and the potential complexities arising in relation to sentencing.

Measures have been taken in recent years to combat the use of the internet in child abuse and attempted child abuse cases. In 2007, the then Home Secretary, John Reid announced the Government’s intention to curb internet grooming through measures requiring internet paedophiles to register their online identities with the authorities so as to be more easily tracked. These measures received justified criticism in that they would be useless against any paedophile who desired to hide their identity as alternative computers and email accounts could easily be set up. This provides an example of how difficult, if not impossible it is for the authorities to prevent determined internet offenders. By extending the range of offences and the means of offending, modern sexual offenders and child groomers are far ahead of crime control measures. Another cause of this is that victims of internet grooming are not only arguably easy targets but the majority of children use the internet as a social forum and are readily willing to talk with strangers on the internet: “ 70% of young people aged between 16 and 24 are using social networking sites; one in 12 children has met someone offline with

whom they initially engaged online; and 31% of young people have received unwanted sexual comment online or by text message.”

However, as Andrew Joint highlights: “ The growing frequency of the reporting of such incidents [online grooming] highlights the fact that the UK’s existing regulation of this area is inadequate to keep up with the variety of ways in which child abusers are using technology to reach their targets.” A further reason why internet grooming is so difficult to control and detect is the ability for groomers to commit offences internationally. However, though the internet makes the potential for grooming very high, research would suggest that in reality the offences committed are quite low. This may suggest that whilst technology extends offender’s ability to converse with children, the progression of this to actually physical abuse is still limited. However, the distribution of indecent images of children is greatly increased by the medium of the internet. This issue will not be widely considered in this work as the distribution of images is more removed from the question of using the internet as an extension of the body. Though the images themselves give sexual gratification to the offender, the victim need not have had direct contact with the abuser (the viewer of the images not the maker of the images) through any technological means. This is supported by appeal judgments overturning sentences for public protection in cases involving indecent images of children but actual physical abuse or grooming of children.

Though there are obvious difficulties in controlling internet grooming, the National Hi- Tech Crime Unit has been set up in the UK to work with local units in tackling this issue directly. Clearly specified technology units are <https://assignbuster.com/the-influence-of-technology-on-criminal-behavior/>

required to deal with technology based offences. It has been suggested that as the Government is failing to control and keep up with the technological sophistication of internet offenders, it is beginning to rely on Internet Service Providers to assist them. However, this measure also appears to have little impact on the number of sexual offences committed through the internet. The 2005 Cabinet paper, “ Connecting the UK: the digital strategy” established a multi-agency national internet safety centre attached to the Serious Organised Crime Agency. Some thinkers believed this to be a turning point in the control of internet crime and internet crimes against children in particular. However, in reality this measure was merely an extension of the methods already in place and acted to incorporate SOCA into more areas of law rather than progress the tackling of online grooming.

Another offence which has been greatly facilitated by the internet is harassment. Like offences relating to the distribution of indecent images of children, this offence is not as physical as other internet offences. However, legislation used to tackle this offence illustrates how the Criminal Justice system is reacting to offender’s use of the internet as an extension of more traditional means. The Malicious Communications Act 1988 was amended in 2001 to include electronic communications and s1 of the Harassment Act 1997 applies directly to the internet.

The consideration of internet sexual offences has illustrated that whilst criminals are adopting technological methods to extend the range of crimes they can commit, crime control has attempted to adapt to counter this.

Whilst we have seen that in the case of internet grooming, technology benefits the criminal more than it benefits the authorities, there are many <https://assignbuster.com/the-influence-of-technology-on-criminal-behavior/>

examples of crime control being greatly developed and enhanced by technology.

In the past, crime control was very much in the hands of the police officers themselves. However, the advancement of Closed Circuit Television and other technological breakthroughs have resulted in modern policing relying ever less on man power and ever more on technology. The UK has more than 4 million CCTV cameras acting throughout the country as the eyes of the constabulary. This has both positive and negative implications and effects. From a positive viewpoint, there is a suggestion that CCTV reduces street crime. However, there is no proof of this and the Home Office has conceded that in fact street lighting is more of a deterrent to criminals than CCTV. There are of course negative implications for the wide spread use of CCTV including the much discussed infringement upon civil liberties. The findings of a research paper by The Centre for Criminological Research in Sheffield suggest that the use of CCTV “ represents a shift from formal and legally regulated measures of crime control towards private and unaccountable justice”. This may be an extreme view of the use of CCTV but it certainly highlights the potential breaches of Article 8 of the Human Rights Act 1998. There is clearly some contention between what is a public area to be monitored by the police and the extent of one’s right to move about the country as a private citizen. *Peck v. Brentwood City Council* (2003) ECHR suggests that the widespread use of CCTV in the prevention and detection of crime may be acceptable but any other use, such as the release of footage to the media is breaching the subject of the footage’s right to a private life.

A further example of the Police Authorities' use of technology to overcome the limitations of the human body is the use of Electronic witness statement recording technology. It has been argued by many prosecution authorities and prosecutors that the taking of witness statements should always be recorded so as to avoid the much relied upon technique of the defence to question the original statement maker and the accuracy of the statement: "The accuracy of the written statement as a record of what the witness actually said or intended to say is liable to be impugned by a number of factors, such as misapprehension, presupposition and inattention, mainly on the part of the statementtaker. Moreover, the written word is clearly an inadequate instrument for conveying adequately the nuances of meaning through intonation and inflection. The delay involved in statements composed post facto from notes will clearly increase the risk of inaccuracy." The implication of the electronic taking of statements may be more successful prosecutions but in light of very few police authorities using these methods, there is a suggestion that the negative implications outweigh the positive. Electronic means are generally used in relation to vulnerable witnesses and in very serious cases such as murder but clearly in practice, the police resort to the traditional methods of handwriting statements. Funding is evidently an issue but there can be little doubt that should the authorities use widespread electronic methods for recording witness statements, the defence will no longer be able to rely on human error in cross examination and perhaps more convictions could be achieved.

In conclusion, there can be no argument that technology has allowed criminal behaviour to expand both in quantity and nature. Internet grooming

is the best example of technology extending an offence which was previously limited to the physical but which has been adapted and enhanced by technology. Further, it is apparent that whilst crime detection and prevention authorities seek to limit and uncover internet grooming, technology is making it easier to offend and much more difficult for the detecting of such crimes. Technology has not only extended the body of the abuser in that it has allowed offenders to access victims more readily but it has also extended the physical being of the victim by exposing children to new forms of abuse.

Whilst technology has increased sexual offending and sexual offences it has been utilised by the police in detecting and preventing crime. Arguably the need for police officers to physically look for crime through patrolling public places has been usurped by the widespread use of CCTV. Whilst many view this as an infringement upon civil liberties, it cannot be argued that CCTV has not had some positive role to play as evidence. Though it could be argue the police are not using technology to the extent of the more criminally minded, there can be little doubt that technology has radically altered to nature of crime and criminal justice.