

**Online grooming and UK law**  
**A submission by Childnet International<sup>1</sup> to the Home Office**

**Abstract**

Internet chat can be used in creative ways to connect children together. However, there are dangers for children using chat unsupervised, especially where adults use it as a means of seeking to strike up sexual relationships with young teenagers or children. Paedophiles have recognised the opportunity the Internet affords them to contact children at a safe distance, building up a relationship with them for the sole purpose of persuading them into sexual activity. The techniques which sex offenders use to entice children into sexual activity are known as ‘grooming’. It is not clear that the current law in the UK affords children the protection they need with regard to online grooming.

This paper is written in response to the issue of online grooming. It is divided into the following sections:

1. An overview of what online grooming is, the scale at which it occurs, and how it takes place. The advantages that online grooming affords to the paedophile in contrast to the offline grooming process are described.
2. The case of Patrick Green, an example of a case of online grooming in the UK. Examples are also given of cases of online grooming in Milton Keynes and Crewe.
3. Online grooming in relation to UK law. By use of examples, the inability of the law to protect children in the process of grooming, either before a sexual offence takes place or even after, is demonstrated. It is suggested that the inclusion of an offence of ‘enticement’ in UK statute would offer children a degree of protection that current UK law does not afford.
4. With reference to US Federal and State law, and Australian State law, it is shown how other countries are dealing with this issue.
5. Police tactics with regard to online grooming are described, particularly covert sting operations. An overview of these operations describes what they are, what function they serve, and what advantages they afford law enforcement.
6. In conclusion this paper suggests that there are very real advantages in terms of the protection of children that can be achieved by the inclusion of an offence of ‘enticement’ in UK law. This is so even without the authorisation of covert sting police operations, but such operations would greatly facilitate the fight against online predation in conjunction with an ‘enticement’ offence. Covert sting operations could help prevent offline offences occurring, secure documentary evidence for the successful prosecution of the ‘perpetrator’, and also act as a significant deterrent.

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# 1. An Overview

## a) the extent of the targeting of children online

The extent of children being targeted online for sexual purposes is not known exactly, and is difficult to evaluate. However, there have been some surveys of children's experience online, and although the conclusions cannot be conclusive they are indicative, and as such adequate to establish that the issue of online grooming is serious enough to demand attention.

A survey in the US, 'Online Victimization: A Report on the Nation's Youth', June 2000<sup>2</sup>, gives the figure that approximately one in five youths aged between 10 and 17 "received an unwanted sexual solicitation or approach (over the Internet) in the last year"<sup>3</sup>.

A similar figure has been produced in the UK. A forthcoming report by the Internet Crime Forum (ICF)<sup>4</sup> purportedly comes to a similar conclusion as the US, finding that "around 20% of Internet chatroom-using kids have been approached by paedophiles and other undesirables while online"<sup>5</sup>.

Online grooming of children stems from this initial contact.

## b) the techniques of grooming, offline and online

There is now a considerable research literature on sex offending against children, and one of the important findings which has emerged is an understanding of the process of victimisation for many children who are sexually abused. Information has come from both offenders<sup>6</sup> and victims,<sup>7</sup> and both studied together.<sup>8</sup> Understanding this process of victimisation helps in some cases to answer how it can be that a child co-operates in or acquiesces in abusive sexual activity.

The sexual abuse of children is usually carefully planned and stage-managed. In the process of grooming, the perpetrator creates the conditions which will allow him to abuse the children while remaining undetected by others, and the child is prepared gradually for the time when the offender first engages in sexual molestation. It is a

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<sup>2</sup> This report can be seen on the National Centre for Missing and Exploited Children's website, [www.ncmec.org](http://www.ncmec.org).

<sup>3</sup> 'Online Victimization: A Report of the Nation's Youth', at <http://www.ncmec.org/download/nc62.pdf> p14.

<sup>4</sup> The Internet Crime Forum is a forum for the liaison of Government, law enforcement agencies and Internet Service Providers.

<sup>5</sup> From an article by Steve Gold for Newsbytes entitled "Paedophiles calling a fifth of Internet kids – Govt Report", 04/12/2000, at <http://www.newsbytes.com/news/00/158922.html>.

<sup>6</sup> See e.g. L Budin and C Johnson, 'Sex Abuse Prevention Programs: Offenders' Attitudes About Their Efficacy' (1989) 13 *Child Abuse and Neglect* 77; J Conte, S Wolf and T Smith, 'What Sexual Offenders Tell Us About Prevention Strategies' (1989) 13 *Child Abuse and Neglect* 293; J Christiansen and R Blake, 'The Grooming Process in Father-Daughter Incest' in A Horton, B Johnson, L Roundy, D Williams (eds), *The Incest Perpetrator* (1990) 88; M Elliot, K Browne and J Kilcoyne, 'Child Abuse Prevention: What Offenders Tell Us' (1995) 19 *Child Abuse and Neglect* 579.

<sup>7</sup> L Berliner and J Conte, 'The Process of Victimization: The Victims' Perspective' (1990) 14 *Child Abuse and Neglect* 29.

<sup>8</sup> P Phelan, "Incest and Its Meaning: The Perspectives of Fathers and Daughters" (1995) 19 *Child Abuse and Neglect* 7.

process which has been acknowledged frequently by offenders in treatment programmes, and it may take weeks or even months.

The offender may groom the child through a variety of means. For example, an offender may take a particular interest in the child and make him or her feel special.<sup>9</sup> In this kind of way, the offender forms a particular bond with the child. He may well treat her emotionally like an adult friend, sharing intimate details about his sex life and adult relationships.<sup>10</sup> The child thus, quite inappropriately, becomes the man's confidant.

Another grooming technique is through the gradual sexualisation of the relationship. For example, Elliott, Browne and Kilcoyne, in interviews with 91 child sex abuse offenders, found that the majority of offenders carefully tested the child's reaction to sex by bringing up sexual matters or having sexual materials around, sexualised talking, and by subtly increasing sexual touching.<sup>11</sup>

It is not difficult to see how these techniques could be transferred very effectively to Internet chat rooms. Initial intimacy can be achieved through an invitation to chat in a 'private room'. The risk of introducing sexual themes can be taken behind the anonymity of a pseudonym. Numerous children can be cultivated at once, and whereas in an offline world, opportunities for adult strangers to be alone regularly with children do not occur easily, in the online world they are an everyday possibility.

There has been some recognition that the cases of online grooming involve a similar methodology and this has led to an elementary analysis of grooming techniques. The basic technique for the 'perpetrator' is to hang around in a public Internet Chat Room, on the lookout for a child that seems 'vulnerable'. Ruben Rodriguez, director of the US NCMEC's (National Centre for Missing and Exploited Children) Exploited Child Unit, explains "Predators like to go after kids who tend to express agreement in Chat Rooms but not say a lot because they know these kids are vulnerable"<sup>12</sup>, children that would perhaps really value attention, understanding and friendship. When they find such a child they invite them into a private area of the Chat Room to get to know them better<sup>13</sup>. Next in the grooming sequence comes private chat via an instant messaging service, and then e-mail, phone conversations (often on mobile phones) and finally a face-to-face meeting. The grooming process can go on for weeks and months, as it

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<sup>9</sup> J Conte, S Wolf and T Smith, 'What Sexual Offenders Tell Us About Prevention Strategies' (1989) 13 *Child Abuse and Neglect* 293; L Budin and C Johnson, 'Sex Abuse Prevention Programs: Offenders' Attitudes About Their Efficacy' (1989) 13 *Child Abuse and Neglect* 77.

<sup>10</sup> L Berliner and J Conte, 'The Process of Victimization: The Victims' Perspective' (1990) 14 *Child Abuse and Neglect* 29.

<sup>11</sup> M Elliot, K Browne and J Kilcoyne, 'Child Abuse Prevention: What Offenders Tell Us' (1995) 19 *Child Abuse and Neglect* 579 at 585-86.

<sup>12</sup> Quoted in 'Help your child know the risks of chat rooms' by Larry Magid in the San Jose Mercury News, at [www.larrysworld.com/articles/sjm\\_chatrooms.htm](http://www.larrysworld.com/articles/sjm_chatrooms.htm).

<sup>13</sup> Although there is no blueprint for the language of grooming, there are some characteristics of the communication which may give a clue to the true nature of a new online 'friendship'. Such warning signals could be indicated from the 'friend' constantly asking the child for information before telling anything about themselves, by their sending a lot of messages, asking for personal contact details, asking private questions and asking for photographs. These more obvious characteristics of grooming would be accompanied by less obvious traits, such as showing an excessive interest in the child or the giving of a lot of flattery. Given that all this could be contained in communications stretching over a period of months, and that the initiator is conscious of the need for subtlety in this delicate intricate manipulation, these warning signals would not necessarily be obvious.

may take this long for the child to feel truly comfortable. The patience of the predator may also be explained partly by the fact that it is not uncommon for them to be grooming several children at the same time. In this way, even if a child begins to feel uncomfortable and breaks off the relationship there are others lined up.

It is in this context that the Internet has been called the ‘schoolyard of the 21<sup>st</sup> Century’. Chat Rooms can afford the predator invisible access to children from a safe distance, allowing contact to be made even while the child is using the Internet in the secure surroundings of their own home, even their own bedroom. Once contact has been established the grooming process can proceed via e-mail and instant messages, and then even via mobile phone.

An elementary contrast of online and offline grooming show the efficacy of this new phenomenon. It has been known for a long time that paedophiles court children, and offline cases involve children who are or who become close to the paedophiles. In a non-familial case, in the online world it is unquestionably easier for paedophiles to contact children and to build up that contact in a very intense manner. Offline predators, just like the online ones, target vulnerable children, and even “claim a special ability to identify vulnerable children, to use that vulnerability to sexually use a child”<sup>14</sup>. The online situation gives the paedophile the possibility of daily contact with a child, an amount of contact that would otherwise be impossible unless the paedophile was family or a care worker. The online situation allows the paedophile the opportunity to manipulate the emotions of a young child over a long period of time to the point that they feel safe to have a face-to-face offline meeting.

We are witnessing the emergence of a new kind of crime which contains aspects of the offline ‘experience’ but combined with the new technology there is the opportunity for continuous remote contact up to the point of an offline meeting for sexual purposes. There have been numerous cases of this occurring in the USA. Now this new kind of crime is appearing in the UK, and we can also see examples appearing in other countries such as Australia and Norway. It seems clear that this new type of crime is not going to go away, at least not on its own.

## **2. UK examples**

### **a) Patrick Green**

In February 2000, Patrick Green, a thirty-three-year-old export clerk, made contact with a twelve-year-old girl<sup>15</sup> in a teenage Internet Chat Room. The initial contact led to e-mails every day over a two-month period and then to regular conversations on a mobile phone. In this way the girl was groomed from this initial Chat Room contact to the point where she actually met Green offline, and thus also to the point where she was sexually assaulted.

After the initial contact through a Chat Room, through a clever and relentless process of manipulation via e-mail and then mobile phone, Green convinced the girl that he was in love with her. The girl initially resisted Green’s requests for a meeting but

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<sup>14</sup> J.Conte, S.Wolf, T.Smith, above at p293.

<sup>15</sup> The girl was twelve at the time of the initial contact from Green, but was thirteen at the time of the assault.

finally acquiesced to meet in a public place. Green arrived by car, identified himself to his victim and drove her to his flat many miles away where he began a series of indecent assaults.

After four meetings in quick succession, the increasingly confused girl broke down and told everything to her mother. Her parents were shocked and immediately informed the police. Some days elapsed before Green was arrested, and, pending further investigation and the result of the laboratory analysis of his computer, he was released on bail.

Within days he had used the computer at his place of work to contact another underage girl and, using similar tactics, drove hundreds of miles across the country to commit a similar assault. Green's work colleagues discovered some disturbing e-mails and tipped off the police who mounted a surveillance operation and rearrested him, just as the next young victim was getting into his car.

Patrick Green was sentenced to 5 years imprisonment on 24 October 2000 for sexual assault and possession of child pornography.

#### **b) Milton Keynes**

A thirteen-year-old girl met a '15 year-old' boy in an Internet Chat Room. Their online relationship developed and the girl arranged to meet the boy. Very wisely the girl had told her mother who decided to tag along to the rendezvous. Instead of a fifteen-year-old boy, awaiting the girl was a forty-seven-year-old man who had travelled all the way from Newcastle to Milton Keynes to meet the girl. The man was arrested but was released later without charge.

#### **c) Crewe**

The Crewe incident is similar to what took place in Milton Keynes. A thirteen-year-old-girl met a 'friend' in an Internet Chat Room who said he was 'fifteen'. Chatting on the Internet moved on to text-messaging and then mobile phone calls, and the young girl declared that she was 'in love' with this 'boy'. In the course of their conversations he admitted that he was '27'. Luckily, the parents found out a meeting was being planned and contacted the police, and the police continued the messaging to the point of the meeting. The police were lying in wait for him when he turned up to meet the girl. He was thirty-eight years-old, and he had a palm-sized computer with him that had lists of young children aged between six and sixteen, with their contact details, in addition to lists of numerous child sex websites. This man was released without charge.

### **3. UK law and online grooming**

#### **a) Incitement to commit a sex offence**

In the UK, the Indecency with Children Act 1960 is the main relevant piece of legislation, particularly Section 1:

“1. (1) Any person who commits an act of gross indecency with or towards a child under the age of fourteen<sup>16</sup>, or who incites a child under that age to such an act with him or another, shall be liable on conviction to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding six months, to a fine not exceeding one hundred pounds, or to both”.

It has been suggested that online grooming is already covered by the category of ‘incitement’ to commit a sexual offence<sup>17</sup>, and in theory it is perhaps possible to envisage this. However, there are real obstacles to a successful prosecution. To prove the case, the prosecution would have to show that there was “an act of gross indecency” which the child was being incited to allow or participate in. If the law is construed narrowly (as is almost always the case with serious criminal offences) then the prosecution must prove an intention to commit, and an incitement to be involved with, a specific act of indecency. Thus if evidence could be adduced that the perpetrator invited the young person to touch his genitals or to allow sexual penetration then that would be an incitement to an act of gross indecency. But if the only evidence is that he had a general intent to persuade her to have sexual relations of some kind with him, without any specific evidence of incitement to commit particular unlawful acts, then the charge could not be made out.

The narrowness of the law gives rise to serious ethical problems for the police. If they are shadowing a planned meeting between the perpetrator and the child, then to get their evidence of incitement to commit an act of indecency, they might need to allow the perpetrator to meet alone with the child, with the risk that a sexual assault could occur. The police would not do this. The case of Patrick Green and the girl in Cumbria would be a case in point here, and other incidents in Milton Keynes and in Crewe also demonstrate situations where a child has been groomed to the point of an offline meeting and the police have stepped in only to release the man in each case without charge. One was 47 years old and the other was 38.

#### **b) Attempt to commit a sex offence**

The other possibility is that the man could be charged with an attempt to commit a sex offence against the child. Again, the man must proceed sufficiently far down the path of seeking to commit the offence that an attempt to commit a particular unlawful act can be said to have been made.

The same ethical dilemmas arise. They are not resolved by the police conducting an operation in which they pretend online to be the child. We need to consider a case where the police are in a Chat Room and they see that someone is trying to get involved in contacting children. As the statistics and chat room experience will show, this is not an unusual occurrence. This is the ‘pure police’ case, where there is no real under-aged child at all. The suspect is trying to entice a child into an offline meeting, and although he never actually meets a child it is clear that he wants to, and the police see this intention, arrange to meet him and arrest him at the meeting place. Childnet is

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<sup>16</sup> This Act in fact has been amended to increase the age of the child to under sixteen instead of under fourteen.

<sup>17</sup> See Lord Williams of Mostyn, House of Lords debate on Baroness Blatch’s proposed amendments to the Criminal Justice and Court Services Bill, <http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds00/text/01108-06.htm>.

aware of such police operations that have taken place in the USA, Canada<sup>18</sup>, New Zealand and Italy<sup>19</sup>.

This is what happened in the case of Kenneth Lockley in the UK, May 2000. Following a tip off by the Californian police that Lockley was searching for a six year old girl to have sex with, Scotland Yard set up a sting operation and arranged a meeting at a hotel in London. Lockley thought he was to meet a nine year old girl, and was no doubt surprised to find no girl there at all, only an undercover police officer who proceeded to arrest him. Four condoms were found on him. However, the charges of attempting to have unlawful sex with a girl under 16 were dropped because, as the defence argued, there was no actual attempt to have sexual intercourse as there was no actual child involved.

In this case the intention to commit an offence was clearly discernible. The instigator of this intention was clearly Lockley himself. He was not induced to do so by the police. The presiding judge of the case, Justice Peter Fingret, described the actions of the defendant as “evil”, and made this statement about the case:

“ The law clearly does not deal with this type of conduct perpetrated by this defendant. It is time, in the light of the pernicious influence of a large number of web sites, that Parliament should consider dealing with this lacuna in the law”.

### **Issues raised by current UK legislation**

In summary, there are two different issues raised by the current form of UK law. The first concerning a situation before an offline offence has been committed, and the second after an offline offence has been committed. Both issues point to the potentially greater effectiveness of the law via the inclusion of an offence of ‘enticement’.

#### **1) Before an offline offence has been committed: where a family discover via e-mail evidence, for example, that there is a history of someone seeking to groom a son or daughter for the purpose of offline meetings.**

The family inform the police, and the police have to decide how they are going to respond. Will they try to bring him to the meeting and charge him, and can they charge him on the basis of circumstances and evidence? With the precedent set by the incidents in Cumbria, Milton Keynes and Crewe, it seems reasonable to conclude that at present they may be able to bring him to the meeting but only to then release him without charge.

#### **2) After an offline offence has been committed: where a family discover that an offence has taken place, and have e-mail evidence.**

This was actually what happened in the Patrick Green case, when an offence had clearly been committed. The girl had told her parents what had happened and the

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<sup>18</sup> See <http://www.fotf.ca/research/news/> .

<sup>19</sup> See [http://news.bbc.co.uk/1/hi/english/world/europe/newsid\\_995000/995016.stm](http://news.bbc.co.uk/1/hi/english/world/europe/newsid_995000/995016.stm) , or <http://www.cnn.com/2000/WORLD/europe/italy/10/28/rome.porn/> . Although this case was to do with child pornography and not online grooming, it provides a clear example of proactive police work.

father of the girl had access to the e-mails, which had many sexual references. But the police were focussed on the offline sexual offences and were concerned that they needed to prove these. Naturally the father was extremely concerned that Green was going to try to meet the girl again, and he was urging them to charge Green and to use the fifty-odd e-mails he had as evidence. The police, however, felt they needed more time to collect the evidence for the offline sexual offence.

In the investigation of a sexual assault, it may be easier to rely on such evidence than to prove that the sexual assault actually took place. For example, with an offence of enticement law enforcement would be able to charge someone more quickly for an offence that there is already evidence for, while at the same time investigating further the offline offences.

These two issues illustrate the value of introducing an offence of ‘enticement’, or some similar offence of luring a child with intent to have sexual relations, even without augmenting the police’s powers by allowing them to carry out covert sting operations, (discussed below). With an offence of ‘enticement’ the law would then cover the grooming of a child, when a paedophile is in touch with a child, wanting and pressuring for a meeting, and wanting to abuse them, and the family had written evidence of this. The offence of ‘enticement’ would also, in the situation where the offline offence had already occurred, help in enabling the police to arrest someone quickly and thus preventing the offender having continuous access to the child.

In summary, the addition of an offence of ‘enticement’ would offer children a degree of protection in the UK from online sexual predators that at present is not available.

#### **4. Online grooming and the law elsewhere**

In the USA the situation is very different, and UK law seems very scant in comparison to US Federal Law, which states:

“a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce,<sup>20</sup> or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.<sup>21</sup>”

US state law often goes further than this. For example, state law in Georgia states:

“It shall be unlawful for any person intentionally or wilfully to utilize a computer online service, Internet service, or local bulletin board service to seduce, solicit, lure or entice, or attempt to seduce, solicit, lure, or entice a child or another person

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<sup>20</sup> The reference here to “interstate or foreign commerce” is necessary to allow federal jurisdiction under the commerce power of the US Constitution.

<sup>21</sup> 18 U.S.C. 2422: Coercion and Enticement.

believed by such a person to be a child, to commit sodomy or aggravated sodomy, child molestation or aggravated child molestation, enticing a child for indecent purposes, public indecency, or to engage in conduct that by its nature is an unlawful sexual offence against a child”<sup>22</sup>.

The laws in the US have made it possible for people to be arrested and imprisoned before the offline offence is actually committed. Thus it seems that not only in theory but also in practise US law actually offers children a degree of protection that does not currently seem to be offered in the UK. One can see a similar degree of protection offered in Australia’s Northern Territory where there is an offence of “enticing away a child under 16 for immoral purposes”<sup>23</sup>.

## **5. Police tactics and online grooming**

The discussion about online grooming undoubtedly throws up issues surrounding police tactics. Police potentially have many more advantages in dealing with online grooming cases than they do with similar offline cases. In online cases law enforcement officers are able to pose as children, (using the same deceit as is often used by online paedophiles), something which they obviously could not achieve offline. Chat Rooms provide places for the police to go to monitor paedophile activity, a task impossible offline. And crucially, there is more likely to be documentary evidence in an online grooming case, a factor that makes prosecution difficult in an offline grooming situation where evidence very likely takes the form of someone’s word against another, often a child’s against an adult’s.

The use of covert sting operations is currently widespread in the USA but not in the UK. We have established that benefits accrue from deeming enticement illegal even without introducing corollary police powers in the area of covert sting operations. However it is important to make clear what is meant by covert sting operations, how they work and what function they serve, and at the same time to make clear that although there are clear grounds to advocate the introduction of the offence of enticement on its own, the new offence would become much more effective if introduced with the stipulation of allowing ‘covert’ police operations.

### **a) What are covert sting operations?**

Covert sting operations in this context refer to the practice of police entering Internet Chat Rooms and pretending to be children. To avoid defence pleas of enticement to commit a crime or entrapment, the police should only respond to invitations and offers made to them in these Chat Rooms and not take the initiative or approach someone they suspect of paedophile activities to arrange a meeting. The suspect should take the first step that leads to a criminal act. If the police did initiate the criminal acts with which the suspect is charged, then they must prove beyond reasonable doubt that the defendant was ready and willing to commit the crime prior to being first approached by the police, in other words that the suspect was predisposed to commit the crime.

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<sup>22</sup> Ga. Code Ann. § 16-12-100.2 (1999).

<sup>23</sup> Section 201 of the Northern Territory of Australia Criminal Code Act, para 3.4.2, as in force 1.1.97.

## **b) What function do they serve?**

The most readily obvious advantage of covert sting operations is that they allow the police to be proactive in their fight against online paedophiles. They enable the police to use the online predators most potent tool, anonymity, against them.

The advantages are more far-reaching than that. With the police on the end of, and able to monitor the entire grooming process they can be sure they possess all the necessary documentary evidence needed for successful prosecution.

The presence of covert sting operations on the Internet could have a powerful deterrent effect on any prospective online predators, as it would introduce an element of uncertainty into their online grooming activities which simply is not there at present. It is possible to see the immunity with which they currently feel on the Internet in the fact that they will very often be grooming several children simultaneously.

It seems readily apparent that covert sting operations add a valuable component to the protection of children.

## **Summary**

There are several key questions that are raised by this paper:

- 1) If online grooming is covered by existing UK law, then why was it not used in situations where it could have been, for example in the cases in Cumbria, Crewe or Milton Keynes?**

One would have to conclude that either the law was not adequate, and perhaps sexual abuse has to take place before charges can be pressed in court, or law enforcement are currently not aware of how the existing law can be applied to the circumstances of grooming.

- 2) What is different about the USA, Australia and New Zealand that make the offence of enticement appropriate there, but not here in the UK?**

It is possible that here in the UK such an amendment is not considered necessary, although this fails to explain the answer to question 1. It is perhaps more likely that these countries saw the problem more quickly and took immediate steps to protect their children from a new and dangerous threat.

- 3) What is different about the USA, Canada, New Zealand and Italy that makes covert sting operations appropriate there but not here in the UK?**

This is partly explained by differences in legal tradition and police practice. However, it is becoming apparent that proactive police response to the activities of paedophiles on the Internet through covert sting operations has been very successful in the USA and other countries.

Limited police resources have probably been a key issue in determining the reactive nature of the police response to Internet crime in the UK. With the advent of the Hi Tech Crime Squad the opportunity exists to review the approaches taken

and consider a more proactive approach, although, as the Kenneth Lockley case illustrates, a change in the law may be necessary.

#### **4) What would be the advantage of adding ‘enticement’ to the pre-existing offence of ‘incitement’?**

- One can clearly see that in the Crewe and Milton Keynes cases that this addition to the law would have removed for a while the threat of two paedophiles from contacting, grooming and approaching children online.
- It would also give added assurance that action could be taken with e-mail evidence before a child was abused, in other words, before the damage was done.
- The police would be able to act more quickly if offences had taken place to arrest the individuals on the basis of online evidence.
- It would enable proactive police approaches to be more effective.

#### **5) What would be the advantage of enabling covert operations?**

It would greatly facilitate the task of gaining appropriate and adequate documentary evidence. It would also act as a powerful deterrent in an area where there currently is none. It would enable law enforcement to be present in an area where currently they are not. It would make police power effective in an area where at present it is not, and it would lead to an increase in arrests and be a step forward in dealing with the problem that this new type of crime presents. Potentially it may enable prosecution without having to drag a child through the pain and anguish that court process and procedures often bring.

#### **6) What would be the disadvantage of enabling covert operations?**

It would certainly be necessary to ensure transparency and accountability of police actions, to ensure that ‘entrapment’ techniques were not being used.

## **Conclusion**

The problem of grooming children online for sexual purposes has emerged in the last few years in the UK. The number of cases is increasing and there is no evidence to suggest the problem is a short term one or one that will disappear quickly. The current law is inadequate to deal with the grooming behaviour of perpetrators online. A new offence of ‘enticement’ or ‘luring’ a child with intent to have sexual relations, via an amendment to the 1960 Indecency with Children Act, would provide greater protection for children. This would bring UK law closer to that of other countries who have had greater success in bringing online predators to justice. It would also enable covert operations by police to be more effective.

It seems in conclusion that the ‘case for’ is sufficiently strong to put the onus of proof on the shoulders of the ‘case against’. Childnet believes that adding suitable wording to the 1960 Indecency with Children Act would provide a significant

additional mechanism for law enforcement to act against those seeking to exploit children online. This would afford a much-needed degree of protection for the ever-growing numbers of children online.

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