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The Darker Side of Technology: REFLECTIONS FROM THE FIELD ON RESPONDING TO VICTIMS’ NEEDS

Susan McDonald

Today, technology, and in particular, social networking, is integrated into just about every aspect of the lives of young people. Simple conversations take place through texting, and every incident is digitally documented and immediately posted online for the world to see. Even for people who have yet to fully embrace the digital age, technology is gaining ground in both their public and private interactions, whether it be reading the news, making travel reservations, or watching events unfold in real time in a country on the other side of the globe.

It is not surprising then that technology is also being used to facilitate crimes of all types, including identity-related crimes such as credit card fraud and violent crimes such as sexual assault. Kowalski et al. (2002) provide a useful definition of “cyber-crime” as “a criminal offence involving a computer as the object of the crime, or the tool used to commit a material component of the offence.” What might come immediately to mind is Internet child sexual abuse, but technology is also being used in situations of criminal harassment and intimate partner violence to spy on, keep track of or locate, and threaten individuals.

This article summarizes the findings from a research study that involved speaking with front-line victim services providers and other experts1 in the field to gather their reflections on how best to respond to the needs of victims of technology-facilitated violent crime. The study included a wide range of different offences to ensure the myriad ways technology is being used were captured as well as both adult and young victims to ensure the focus was on the use of technology.

What We Know

We know that the Internet is used regularly by most Canadians. The 2007 Canadian Internet Use Survey showed that slightly more than two-thirds of home Internet users, aged 18 and older, went online at least once a day and just under half were online for five or more hours a week (Middleton et al. 2010). We also know that amongst young people (under the age of 18), almost everyone is online. Research completed by Media Awareness Network showed that 94% of young people in 2005 said they went online from home, compared with 79% in 2001 (ERIN Research 2005).

In Canada, while national police-reported and self-reported data on violent crime are available, less is known about the use of technology in committing these offences, with a few

1 Experts included persons who have developed expertise in technology-facilitated violent crime through research, writing, and/or front-line work with victims of crime; front-line victim services providers who are currently providing services directly to victims and their families; and other experts who may not be working directly with victims but who share their expertise through training, advocacy, authoring reports for international committees, etc. The aim was to have these different types of expertise reflected in the study.
exceptions. In 2002, changes were made to the Criminal Code to include the use of the Internet for the purpose of committing child pornography offences and “luring” as criminal offences.\(^2\) Since that time, as police have become more skilled in the complicated forensic investigations into cyber crimes and as the public has become more aware of these crimes, incidents reported to the police have increased.\(^3\) In 2010, there were 2,190 incidents of child pornography and 494 incidents of luring reported to the police.

Data on criminal harassment through the means of technology, however, are less accessible, since police-reported data, self-reported data, and criminal court data on criminal harassment do not capture the use of technology in committing this offence. As a result, we do not know how many of the 21,108 incidents of criminal harassment reported to police in 2010 were committed using some form of technology (Brennan and Dauvergne 2011).

In 2009, the General Social Survey on Victimization (GSS) included for the first time questions about luring and cyberbullying (Perreault 2011). There were also questions about non-violent Internet victimization such as bank fraud and Internet scams (phishing, etc). Results from the GSS showed that about 7% of adult Internet users were cyberbullied.\(^4\) This proportion was similar among males and females. Certain people were more at risk of being bullied, including younger adults (those aged 18 to 24 years) (17%), those who were single (15%), and those who accessed social networking sites (11%). Slightly less than 1 in 10 adults (9%) reported cyberbullying against at least one child in their household and 2% reported a case of child luring. Most adults (71%) indicated that the child who had been cyberbullied was female. Relatively few incidents of cyberbullying were reported to police. However, those incidents that targeted children were more commonly reported than those that targeted adults (14% versus 7%).

Numerous reports and studies have been commissioned to document the incidence and nature of these crimes as well as ways to prevent them. There is, for instance, the work of the Safety Net Project at the National Network to End Domestic Violence Fund in the US (Southworth et al. 2005) and, in Canada, the work of the Canadian Centre for Child Protection.\(^5\) The area of Internet child sexual abuse is well documented with excellent resources, including the United Nations’ Study on Violence Against Children (see, for example, Muir 2005; Quayle et. al. 2008; EPCAT 2009). In Canada, the Office of the Federal Ombudsman for Victims of Crime also discusses the issues and calls for action in its report Every Image, Every Child (2009), as does the Standing Senate Committee on Human Rights in its 2011 report The Sexual Exploitation of Children in Canada: The Need for National Action.

Talking with the Experts

In the fall of 2010, the Research and Statistics Division of the Department of Justice Canada undertook a total of 31 semi-structured telephone interviews with a range of professionals working in the area, including one group interview with five participants and one with two participants. The sample was obtained by using the snowball technique and asking Directors of Victim Services from the provinces and territories to help identify front-line victim services providers who had direct experience working with victims of technology-facilitated violent crimes. Those interviewed were from most parts of Canada. Other professionals interviewed were from law enforcement and health services. Also interviewed were experts in the area of technology-facilitated violent crimes (research, advocacy, and policy) in Canada, the US, and the UK. All those who participated received a letter of information and signed a letter of consent. The interviews ranged in length from

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\(^2\) In June 2002, Bill C-15A received royal assent and amended the Canadian Criminal Code to include new offences that would help combat the sexual exploitation of children on the Internet including children under the age of 18, by making it “illegal to communicate with children over the Internet for the purpose of committing a sexual offence.”

\(^3\) On March 3, 2011, Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service was passed and makes it mandatory for Internet Service Providers to report online child pornography. See http://www.justice.gc.ca/eng/news-nouv/nr-cp/2011/doc_32592.html.

\(^4\) Cyberbullying was defined as having “… previously received threatening or aggressive messages; been the target of hate comments spread through e-mails, instant messages or posting on Internet sites; or threatening e-mails sent using the victim’s identity.” Some forms of bullying are not criminal offences, while other forms, such as criminal harassment or assault, will meet the requirements of specific offences under the Criminal Code.

\(^5\) For more information, see http://www.protectchildren.ca/app/en/.
40 to 90 minutes. The interviews were taped and notes were taken.

**What the Experts Said**

"As sad as it is to say this, there has always been sexual and physical abuse of children, and it has most often been committed by family members. What is different now is how those pictures are being shared."

**WORKING WITH VICTIMS**

The quotation above is from someone who works directly with young victims and shares her expertise with as many professionals as she can. It was the key message from all those working with victims: that regardless of the tool used to commit the offence, sexual abuse is still sexual abuse; criminal harassment is still criminal harassment. In addition, the motive for the offences, whether it is control of or power over a victim, is not affected by the technology. As technology advances, these advances will be incorporated into the commission of offences.

The technology used may complicate or prolong the investigation and it may result in additional responses to victims, but the reactions and needs of victims are fundamentally the same as those of victims of violent crimes that do not involve technology. Experts gave some examples to keep in mind when working with victims. For example, during a forensic investigation, any computer or cell phone involved (likely the victim’s) may be seized for the investigation, and the investigation can take a long time. This can be extremely hard for a "child of the digital generation" to understand and just as hard to explain to his or her peers. Several experts suggested lending another cell phone or computer to the victim during this period.

One issue that was raised in numerous interviews was the best timing for telling a victim that photos of him or her exist on the Internet. There was agreement across experts that, if a child is very young (under the age of 6), it is better not to tell the child immediately that photos on the Internet exist. There was less agreement regarding children in the middle years (7–9 years of age). It was agreed that older children would likely know or suspect that photos exist, and if they did not know, they would probably find out from peers, which could be devastating. Therefore, such information should be shared with them at the earliest appropriate moment in a safe environment with support persons present (e.g., parents).

How do you explain to someone that these photos will exist forever? There are no easy answers to this question. Just as there are no easy answers to the question “How do you explain to a child that her mother has been killed by her father?” Victim services providers have grappled with communicating such tragedies for as long as they have worked. They have also had to learn how to deal with the vicarious trauma that occurs in such circumstances. Perhaps one of the most difficult feelings for a victim is that of feeling out of control. Indeed, the proliferation of images on the Internet or being criminally harassed online would provoke this kind of feeling.

Several interviewees noted that in cases of criminal harassment and/or intimate partner violence, victims will likely already be using strategies for safety before they reach out for help. It is important to respect those strategies and build on them.

All interviewees noted the importance of providing clear, consistent support to the victim and his or her family throughout all stages of the criminal justice system, from investigation through sentencing. Over the past few years, several jurisdictions in Canada have implemented coordinated approaches. For example, in Ontario the Internet Child Exploitation strategy ensures that police and Crown are trained across the province to investigate and prosecute such cases and that there is specialized counselling available for victims. Prosecutors use all available tools in the Criminal Code to facilitate testimony for young victims. The Child Advocacy Centre (CAC) model developed in the United States and also found in Canada can provide this support. Based on a

7 For a discussion on the use of testimonial aids to facilitate testimony, see Northcott 2009.
8 For more information about Child Advocacy Centres, see the US National Children’s Alliance at www.nationalchildrensalliance.org.
multi-disciplinary team approach, CACs provide seamless services and support both to victims and to non-offending family members. The Zebra Centre for Child Protection in Edmonton is an example of such a model. The frustration and anger parents feel may be compounded as many of the victims, who are most often young girls aged 13 to 15, view their activities as legitimate. While such anger is understandable, blaming the victim is not helpful and does not provide the victim with the supportive home environment he or she needs. This is where education for families is extremely important. While victim services providers must be supportive, they must also show the parents how to move from anger to support. Educational materials are very useful in all situations but particularly where there are intense emotions initially. It can be very difficult to absorb a lot of new information, whether it is technical or about the criminal justice system, when one is overwhelmed by strong emotions. Materials such as pamphlets written in simple language (especially in the first language of victims and parents) can be sent home to be read at another time.

There are excellent Web sites as well, although family members may not want to engage with technology for some time. It is possible, however, that families will embrace it in order to empower themselves by learning everything they can to prevent any further victimization via the Internet. Overall, interviewees noted that it is very important to understand the family’s perspective, to help them work through their feelings and help them cope with other needs, but it is critical that the family be able to foster a supportive, caring environment for the victim. Information, on a range of issues and in multiple formats, can play a critical role when working with families.

WORKING WITH PROFESSIONALS

All those interviewed work with other professionals in the criminal justice system and in other services as well, such as health and education. In order to provide the best service possible, the interviewees all do their best to work collaboratively and share what they know about working with victims of technology-facilitated crime. With Child Advocacy Centres, there is a multi-disciplinary team and protocols with partner organizations to facilitate this collaboration and sharing of information.

In Alberta, police from around the province are able to call the 1-800 number for the Zebra Centre for Child Protection for assistance before they begin a forensic interview with a victim or witness. They are advised to ask anyone making a statement whether a camera of any kind, for example, on a cell phone, was used. If so, then a whole set of additional questions and additional investigations need to occur. Police are also advised that the presence of a camera during the commission of the offence can make the filming of a police statement or testifying via closed-circuit television in court difficult.

At least one centre of expertise recognized that it would not be feasible to establish multiple centres of expertise (whether a CAC or other type of organization) to provide services to victims of technology-facilitated

we are good at what we do and that remains; so there is no need to feel overwhelmed by Internet crime. The treatment methods will largely be the same."

WORKING WITH FAMILIES

Many of the interviewees stressed that responding to the needs of victims’ families is critical because how well victims cope is directly related to the support they receive from caregivers. For younger children, these caregivers will be the immediate family and school. For youth and adults, family members remain critical, but the role of peers becomes more and more important. In cases with youth, there may be situations where it would be appropriate to also work with the victim’s peer group.

In cases of luring, particularly where no physical harm has occurred, parents or guardians are often angry at the victim. Comments such as “She knew better! We taught her!” or “I can’t believe this happened. After all he learned about what not to do!” may surface at the outset. Even if not said out loud, those feelings may be there. In Alberta, police from around the province are able to call the 1-800 number for the Zebra Centre for Child Protection for assistance before they begin a forensic interview with a victim or witness. They are advised to ask anyone making a statement whether a camera of any kind, for example, on a cell phone, was used. If so, then a whole set of additional questions and additional investigations need to occur. Police are also advised that the presence of a camera during the commission of the offence can make the filming of a police statement or testifying via closed-circuit television in court difficult.

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crime throughout a jurisdiction. A great deal, however, could be accomplished by ensuring that there are sufficient resources to provide training and outreach to all professionals who need it. This would need to include training for those involved in forensic interviewing (police and often child protection) and forensic medical examinations (the medical professions) as well as for Crown prosecutors and those working with victims and family members.

All professionals must have a strong understanding of the role everyone plays at the different stages in the criminal justice system and of the technology that was used to facilitate the alleged crime. As noted above, victim services providers will already have a strong understanding of the criminal justice system. Training that is provided to all professionals can go a long way to demystifying technology. For example, experts from SafetyNet in the United States (and they have come to Canada!) regularly train shelter workers, law enforcement, and prosecutors on the intricate details of spyware and other devices used to spy on, locate, and threaten victims of domestic violence and criminal harassment.

This is not to suggest that all victim services providers should have the skills required to undertake a forensic investigation on a computer; rather, they must be able to explain in simple but comprehensive language why the victim’s computer was seized. When victim services providers understand the complexities of these investigations, it is much easier for them to explain it to their clients.

At the end of the interviews, experts emphasized the need to ensure criminal justice system professionals receive regular training on technology-facilitated crime and, wherever possible, ensure that they know who to call for expert assistance.

Working with the Public

In the past couple of years, there have been several cases in the media that highlighted the considerable damage that can be inflicted in a very short time through the use of technology. And painfully, that damage cannot be erased. Every participant in this study provided similar examples from their work: a Facebook site denouncing the victim and supporting the convicted offender; a woman tracked by her spouse using a GPS as she attempted to flee from a violent home to a shelter; a child Internet sexual abuse case going through the courts with thousands of images found of young boys under the age of 8.

The victim services providers who were interviewed emphasized that their role is to respond to the victims and their families and their immediate needs in front-line service, and public education to raise awareness and promote prevention is all too often a luxury rarely attended to. We spoke with two victim services providers from small, rural communities where there are no other resources to undertake prevention and awareness raising. Yet, there may be times when there has been a high profile crime that has been facilitated by technology, where some public education sessions can be helpful for the broader community—for adults and children and youth. One expert noted that victim services providers can play a role in these sessions to talk about the services provided.

Awareness and prevention are considered critical for the public, especially for families with children and youth online. Several of the experts highlighted the numerous organizations in Canada and in other countries that focus on Internet awareness for children and youth. Prevention programs and curricula for all grade levels are readily available for use by teachers in the classrooms and are regularly updated to reflect rapidly changing technology.

Experts play a key role in providing accurate, yet easy to understand information about how to stay informed and vigilant to prevent technology-facilitated violent crime. The public and, in particular, parents with young children and youth have a key role to play as well.

Final Thoughts

It is not hard to imagine a day when everyone will be communicating through social networking sites and when youth will be texting more than they talk. As access to technology increases and more and more of our daily activities occur online, it is realistic to assume that more and more crimes will be committed using computers and other emerging technology.

Overall, the experts interviewed unanimously stressed the importance of remembering the fundamentals of working with victims of crime. Regardless of the tool or conduit used to facilitate the crime, the approach

11 For more information, see http://nnedv.org/projects/safetynet.html.
to use with a victim should be suited to the age and circumstances of that victim. Some victims may have specific needs because of a disability or other vulnerability. All will need information about everything that is happening to them, and all will need support throughout the criminal justice system process as well as beyond.

So, in the end, the experts’ advice was to seek out specific training in order to better understand technology and social networking and how it can be used to victimize and to find out how to put in place safety mechanisms which may be necessary for safety planning, particularly in cases of criminal harassment or intimate partner violence. This training should be obtained before the need for it arises, and knowledge and experience should be shared. By building a community of knowledge and support, all criminal justice system professionals share the challenges of this essential but difficult work. And it is important that all remember to take care of themselves in the process.

References


