

## CHAPTER I

*Introduction***The Problem**

In 2007 police in the United Kingdom were tipped off by Canadian police about the reactivation of a chat room, named *Kids the Light of our Lives*, which had previously been closed down after the arrest of its host, Raymond Waller. Waller had operated on the site under the screen name 'God' and the chat room and abusive file-sharing site had now resurfaced with a new host operating under the pseudonym 'Son of God'. The UK police launched Operation Chandler through which they identified Timothy Cox as being behind the pseudonym, and traced him to a farmhouse in the Suffolk countryside. Cox's arrest sparked a ten-day-long undercover operation, during which officers assumed his identity in order to infiltrate the chat room and collect evidence about other users who were producing and sharing images and videos of child sexual abuse.<sup>1,2</sup> As a result of this, over 700 suspects in thirty-five countries were identified, and numerous children rescued from abusive situations. More recently, in a similar 2015 operation, Queensland police in Australia arrested Shannon McCoolle and assumed his identity online. They ran McCoolle's child abuse chat room, posing as him for many months, leading to the identification of many hundreds of offenders and child victims. Among those offenders identified and arrested as part of this operation was Richard Huckle, who at the point of his arrest in 2016 was widely referred to in media reports as 'the UK's worst paedophile'.<sup>3</sup>

This identity assumption of offenders runs parallel to a more common undercover policing task in which officers assume the identity of a specific *victim* of online grooming and/or sexual abuse, when the said victim has

<sup>1</sup> [www.theguardian.com/society/2007/sep/09/childrenservices](http://www.theguardian.com/society/2007/sep/09/childrenservices)

<sup>2</sup> <http://news.bbc.co.uk/1/hi/uk/6763817.stm>

<sup>3</sup> [www.telegraph.co.uk/news/2016/06/06/britains-worst-paedophile-richard-huckle-handed-23-life-sentence/](http://www.telegraph.co.uk/news/2016/06/06/britains-worst-paedophile-richard-huckle-handed-23-life-sentence/)

been identified as at risk and has been removed to a place of safety. The goal in these operations is to draw out and arrest the offender. Undercover officers (UCOs) must present a convincing linguistic impersonation of the victim's online identity, as well as fulfilling the relevant operational tasks and collecting the details necessary to effect an arrest. As Urbas (2010) reminds us, the anonymity afforded by the Internet is a resource available for exploitation by law enforcement agents in much the same way as it is for (would-be) cyber criminals.

From 2010 to 2017 a training programme, referred to as the Pilgrim Course, was developed by West Midlands Police in England. The Pilgrim Course was designed specifically to 'improve the legal knowledge and undercover policing skills of those staff who operated online' (HMIC, 2014: 153). The authors of this volume have a longstanding involvement with delivering and assessing the components of the course concerned with linguistic aspects of identity assumption operations. As part of the Pilgrim programme, simulation exercises were developed which include the trainee UCOs engaging in identity assumption tasks where they role-play a fourteen-year-old female victim of abuse. In this simulated operation, trainee UCOs have around two hours to learn how to perform the victim's identity from analysis of chat logs discovered on her computer. They then engage with the offender – played by one of their trainers – as this specific victim over an IM client. The trainee UCOs are tasked with operational objectives including gathering information about the offender and the planned sexual activity, eliciting admissible evidence, for example, that the offender is aware of the victim's age, and, ultimately, to arrange a hypothetical meeting in a public place where an arrest can be effected. All of this must be achieved in an interaction where those playing the role of offender are briefed to be suspicious and challenging of the UCO's identity and intentions.

It is the authors' experiences of involvement in Pilgrim training and in actual police operations against online child sex offenders that have motivated the research reported on in this volume. 'Forensic linguistics' is often defined as the improvement of the delivery of justice through the analysis of language, and in bringing language analysis to the investigative arena we can help improve the likelihood of prosecutions against guilty offenders and build credible defences for the innocent.

Operational tasks like the ones described above present significant challenges to investigators. A high level of skill is required, and the role is cognitively and emotionally demanding. Preparation time for identity assumption is often constrained, since any lapse in conversation, or online

absence at unusual times of day or night, might alert an offender to the police intervention. Our study focuses on England & Wales law enforcement responses, and the local legal context is enormously important for the success of such operations. UCOs must remain cognisant of the legal issues involved. For example, they must avoid operating as agents provocateur. That is to say they need to demonstrate the knowledge and skills at the time of interacting to deflect subsequent accusations of having incited illegal behaviour from their targets during the course of their communications (see Gillespie, 2008; Martellozzo, 2012). The UK Police and Criminal Evidence Act 1984 (PACE) further constrains the UCOs, as officers must also avoid conducting an illegal interview, and The Regulation of Investigatory Powers Act (2000) (RIPA)S. 26–29 requires that all their undercover actions be legally authorised and warranted. Keeping detailed records of the online interactions and the investigative decisions made at each stage is therefore imperative. Further to this, it may be the case that UCOs will have to provide operational cover for one another – multiple officers may be required to operate as one specific offender or victim within an operation due to changing shift patterns, illness or leave. Similarly, a single officer may be involved in multiple concurrent operations.

Assuming a victim's identity to arrange a meeting is a high-risk operation. Inviting an anonymous or unidentified suspected sex offender to a public place, where that individual is expecting to be able to engage in sex with a child, is fraught with risks. If the police fail to arrest the suspect they are expecting to meet, then considerable risk is created for other children in the vicinity as the suspect, expecting sexual activity, shifts his focus elsewhere. These operations are therefore tightly constrained by law, policy and practice guidance to manage and mitigate these risks, and the trainee UCOs need to learn how to operate within such structures and get proper legal authorisation for their actions. A number of vigilante organisations have also operated in this domain, for example Perverted Justice in the US<sup>4</sup> (no longer operating as of early 2019) and Stinson Hunter in the UK,<sup>5</sup> attempting to identify and capture online child abusers. These groups are not bound by the same restrictions as law enforcement, and, as well as potentially raising the risk, are known to have undermined prosecutions in a number of cases.<sup>6</sup> These organisations also lack public accountability for their activities.

<sup>4</sup> [www.perverted-justice.com](http://www.perverted-justice.com)

<sup>5</sup> [www.stinsonhunter.com](http://www.stinsonhunter.com)

<sup>6</sup> <https://ind.pn/2L8rK2C>

Tackling the issues and problems of identity assumption raises a number of practical, legal and ethical issues, and all of these will be addressed in this volume. First we turn to the broader context of this kind of criminality.

### Online Child Sexual Abuse

Internet and mobile communications technologies have revolutionised the activities of some criminal groups in much the same way as they have for the general public. One result is that child sex offenders now have direct and easy access to potential victims for grooming and sexual abuse, and they have made use of these channels both to target children and to facilitate networking with other offenders in order to propagate abusive imagery (see for example Quayle and Ribisl, 2012). It has been noted elsewhere (Black et al., 2015) that the anonymity afforded by the Internet has led to individuals, including children, feeling less inhibited about the sharing of personal information, and forming of intimate relationships over a relatively short period of time.

As noted by Barber and Bettez (2014), research that focusses on the process of online exploitation is scarce – research focussing specifically on the *linguistic* aspects of these processes is presumably rather more so (although see Chiang and Grant, 2017, 2019).

The research we report on here is concerned with the criminal context of child protection, which we take to refer to two distinct areas of criminal activity. First, there is the production and distribution of images depicting child sexual abuse, which was at the centre of Operation Chandler as discussed at the start of this chapter. These offences are covered by section 160 of the Criminal Justice Act 1988 and section 1(1) of the Protection of Children Act 1978, and in the UK are punishable with a statutory maximum of between five (possession) and ten (production or distribution) years' imprisonment (Sentencing Council, 2013). By its very nature this is a crime which necessitates networking between members and the establishment of an online community within which images can be shared and exchanged.

The second area of criminal activity to which this research relates is that of the online 'grooming' of children, defined, though not unproblematically, by Craven et al. (2006), as

A course of conduct enacted by a suspected paedophile, which would give a reasonable person cause for concern that any meeting with a child arising from the conduct would be for unlawful purposes. (Home Office, 2002)

Narrowing this definition somewhat, Craven, Brown and Gilchrist (2006) describe grooming as a specific set of steps that an offender employs with the intention of committing a sexual offence against a child, with specific goals including secrecy, compliance and ultimately gaining access to the child. Groomers utilise specific strategies to coerce the child into a sexual relationship, and then draw on other strategies to ensure the victim remains complicit in these goals (Black et al., 2015).

'Arranging or facilitating the commission of a child sex offence' is covered by section 14 of the Sexual Offences Act (SOA) 2003, and is subject to a maximum sentence of fourteen years' custody. Going on to meet the child following grooming, as set out in section 15 of the SOA 2003, could result in a further maximum ten years' custody (Sentencing Council, 2013). In order to commit this offence, the offender must arrange to meet the victim with the intention of sexual activity and, crucially, must not reasonably believe that the victim is sixteen or over. The amendments brought in by the Serious Crime Act 2015 s. 67 also outlaw the preparatory offences themselves, regardless of whether arrangements are actually made to meet in person, setting out a maximum of two years' imprisonment on indictment.

Kloess et al. (2014) usefully review what is known about characteristics of online sexual offenders and whether they differ from offline offenders. They cite a meta-analysis by Babchishin, Hanson and Hermann (2010) which concludes that online offenders tended to be white Caucasian males, were younger and more likely to be in a romantic relationship than offline offenders, and more likely to be unemployed than the general population. On a range of psychometric measures there were few differences between online and offline offenders, although perhaps notably the online offenders displayed less emotional identification with children but greater empathy as to the impact their actions might have on the victim. Kloess et al. suggest that this combination might facilitate the escalation to more severe offending behaviours in online contexts and help explain why such behaviours have a greater prevalence online. Kloess et al. consider the distinction between (a) fantasy-driven and (b) contact-driven abusers (Briggs et al., 2011) where the first group are likely to abuse exclusively online. Fantasy-driven offenders are more likely to be older and married whereas contact-driven offenders tended to be less well educated and more likely to be unemployed.

Victims are mainly (but not exclusively) adolescent females, while offenders are typically male but are otherwise known to be a largely heterogeneous group (Bergen et al., 2014; Bryce, 2010; Dombrowski et al., 2004). Whittle et al. (2013a) examine a variety of young people's

vulnerabilities, identifying that although girls are at greater risk of victimisation it is likely that the sexual abuse of boys is significantly under-reported. They further identify that adolescent boys expressing their sexuality as gay or bisexual are one of the highest risk groups of all. Other vulnerabilities identified by Whittle et al. include engaging in risk-taking behaviour online, high levels of internet access, and lack of parental involvement in the young person's internet use. They also report that mental health issues and psychological factors such as low self-esteem are reported to increase a young person's vulnerability to abuse in online contexts. More broadly they identify family and community factors that can either exacerbate these vulnerabilities or be protective of young people. Thus, parental interest in a young person's online behaviours is generally protective, and, in contrast to offline abuse, those of higher socioeconomic status may be at greater risk of online abuse (note that this may be related to greater access to online environments).

In a small interview study Whittle and colleagues (2013b) also examined the impact of online grooming on young people. They conclude that ongoing harm is related to prior experiences and vulnerabilities and provisions of appropriate professional support after abuse, and found no evidence to support a view that those who have suffered online abuse suffer less harm than those who are abused offline.

Sexual abuse occurs throughout society in a variety of contexts and it seems there is more continuity than difference in comparing forms of online sexual abuse with its offline corollaries. The Internet and the opportunities it offers for degrees of anonymity may facilitate abuse, but they do not create it. The one significant point of difference is the existence of fantasy-driven offenders who find no need to take their offending offline. But even when considering these cases we need to bear in mind Whittle et al.'s (2013b) caution that harm experienced by victims of online offences appears to be no different to that inflicted by contact offenders.

Recognition that the harm inflicted by online offending can be equivalent to that inflicted by contact offending does not mean that there is equivalence across contexts. Understanding the points of difference and similarity requires detailed description of the online context, and some of this can be provided by linguistic description.

### Communicating Online

Recent years have seen linguistic researchers taking a keen interest in online human behaviour, an interest that has undoubtedly been aided by

the comparative ease with which online activities can be stored, accessed and analysed, and subject to scrutiny in ways that perhaps spoken communication cannot (Herring, 2004: 338). As Herring points out, however, despite this potential there has been a distinct lack of systematic discussion about how Computer Mediated Discourse (CMD) should be organised and analysed, and many attempts to do so have been over-generalised, implicit and ad hoc (Herring, 2007: 1). It is pertinent here to provide an overview of CMD research, which has focussed largely on the social effects of communication technologies.

As Postmes, Spears and Lee (2000) explain, the once popular idea that there are fixed effects on human interaction determined by the medium of communication used to engage in it has given way to a focus on the *diversity* of the effects of the medium. Whereas early researchers in CMD tended to oversimplify, characterising what they termed ‘interactive written discourse’ as a single genre, subsequent research has revealed computer-mediated language and interaction to be sensitive to a variety of technical and situational factors (Herring, 2007: 3). The view of online language as a homogenous variety has given way to an understanding of CMD as comprising a number of modes that can be classified according to features of the medium as well as social factors (Sergeant and Tagg, 2011). Thus, more recent work in the area has focussed on the complexities of sociolinguistic factors observable in CMD, rather than on making broad generalisations about the nature of ‘netspeak’ or ‘internet English’. CMD is generally recognised as consisting of features typical of both face-to-face interaction (immediacy, informality, reduced opportunities for planning and editing) with qualities of written modes (lack of visual and paralinguistic cues, physical distance between interactants) (Georgakopoulou, 2011).

As well as a preoccupation with the constraints of the medium, there existed for some time a trend for anecdotal research in the area of CMD, rather than for work with a robust empirical grounding (see, for example, Crystal, 2001). Addressing these perceived shortcomings, Herring (2007) proposes a ‘faceted’ system for the classification of CMD, which is a core component of her (2004, 2014) methodological toolkit for CMD analysis (CMDA). We take this toolkit as a point of departure for our own approach to analysis, as set out in detail in Chapter 2.

Structurally, CMD can be defined in terms of two basic parameters. The first is synchronicity. In synchronous (or ‘real time’) CMD, transmission is essentially instantaneous, and interlocutors are assumed to be physically present to read and respond to messages, whereas in asynchronous CMD, neither of these assumptions holds. The second parameter is

whether the communication is one-to-one (i.e. between two people) or many-to-many (i.e. multiple participants' messages being broadcast to multiple potential interlocutors) (Baron, 2010). Further linguistic variation can be found between forms of CMD on the basis of other factors relating to situation and to medium (see Herring, 2007 for an overview). This book is concerned primarily with the medium of instant messaging (IM). IM is a type of computer-mediated communication 'involving two parties and done in real time (synchronously) (Baron, 2013). Communication is facilitated through written exchanges, and, like many other types of CMC, IM combines qualities typically associated with writing – such as lack of a visual context and paralinguistic cues and the physical absence of interlocutors – with properties of spoken language, such as immediacy, informality, reduced planning and editing, and rapid feedback (Georgakopoulou, 2011).

IM is described by Al-Sa'di and Hamdan (2005) as resembling spoken English to a great extent, with immediate replies expected from one's interlocutor, echoing the turn-taking system of face-to-face conversation. IM has thus been described as a 'hybrid' register (Tagliamonte and Denis, 2008). Since IM is primarily used for one-to-one dialogue, it can be argued that it is usually a private means of communication (as compared, say, to posts in public fora such as Twitter and other social media), and the effects of a third observing party on the interaction have therefore unsurprisingly received no scholarly attention up until now (also see MacLeod and Grant, 2016).

Understanding the issues of online communication and how they relate to the context of sexual abuse conversations raises questions of law and questions of policy and practice for law enforcement. Principally, however, our questions are linguistic. How is it that one individual can linguistically assume the identity of another, and what language analysis is needed to support such an attempt? Further to this, how do successes and failures in identity assumption help us understand what it is to be an individual language user?

### Who Are You?

There are many diverse ways to answer the question 'who are you?', and many rich and interesting answers have been offered. Some answers suggest that who you are has to reference your physical body and physical brain, and includes aspects of your biological sex and ethnicity. Reductively we might presume that such biological answers will ultimately resolve to patterns of



DNA. Some contrasting or complementary answers suggest that who you are has to reference your personal history and actions including your family upbringing, your education, your experiences and the stories you tell yourself and others about those experiences. Both these biological and social types of answer can further be related to answers that suggest that who you are has to reference your inheritance, which might include aspects of your DNA but also your family history, your tribal history and your national history. It is our view that these various answers all contribute some truth, and reflect a repertoire of resources we can draw on to express and develop our changing identities.

In this section we set out an initial view of the literature on language and identity and its strengths and weakness for supporting our work in identity assumption. In developing these theories to provide better support for our work we also outline a fresh theory of identity. Both this literature and our developing theory are more fully addressed in Chapter 5.

Most recent developments in linguistics, sociolinguistics and sociology that focus on these questions of identity emphasise the individual's power of self-definition in performing identities. Thus, Bucholtz and Hall (2004) suggest that

externally imposed identity categories generally have at least as much to do with the observer's own identity position and power stakes as with any sort of objectively describable social reality . . . (i)t is therefore crucial to attend closely to speakers' own understandings of their identities, as revealed through the ethnographic analysis of their pragmatic and metapragmatic actions. (pp. 370–371)

This quotation and others like it react against the idea that 'externally imposed identity categories' of age, gender, ethnicity etc. are essentially who you are, and focus instead on ideas of identity as performed in action and interaction. Thus, for example, one's gender is not defined by one's biological sex at birth – there is no sense in which one has a *real* gender – one's gender is constructed by oneself, through one's actions and through the recognising and responding interactions of others (see Butler, 1990).

Slightly later on Bucholtz and Hall write that

One of the greatest weaknesses of previous research on identity . . . is the assumption that identities are attributes of individuals or groups, rather than of situations . . . identities are not **entirely** given in advance but are interactionally negotiated. (2004: 376, our emphasis)

The emphasis we have inserted here indicates one dilemma for researchers in this area: the tension between on the one hand recognising the structural

resources and constraints involved in an individual's performance of identity, and on the other hand the individual themselves, their self-realisation of individual agency, and persistence through time. This dilemma is well discussed by Block (2013) who among other insights references Lemke's (2008) suggestion that 'the notion of identity needs to be more scale differentiated' (p. 18), with identity in specific interactions being identified as short timescale, whereas the longer timescale identities are performed habitually and are recognised through institutional social structures.

In spite of this tension, it can seem that there is a new consensus in identity theory corresponding with the post-modern turn in the social sciences. A complete rejection of the idea that 'identities are attributes of individuals', and the radical idea that identities are in fact entirely 'interactionally negotiated' has for some writers become more or less established (see e.g. Benwell and Stokoe, 2006). It is interesting, therefore, to infer from Bucholtz and Hall (2004, 2005), which is probably the most cited recent theoretical position on the nature of identity, that they allow for the possibility that *some* aspects or degree of identity may be partially 'given in advance'. This aspect of a situated theory of identity has been given little attention and it is one of the purposes of this book to explore a further question that arises from this observation – can you be whomever you want?

### Can You Be Whomever You Want?

At its most general this question asks whether an individual's identity performances are in any way constrained. Given some of the possible approaches and answers to the question '*who are you?*', it might be suggested that your identity performances could be constrained by your physicality and your DNA, or by your personal sociolinguistic history, or by your inheritances of language, culture and nation.

One example of constraint of identity can be found in attempts to move between gender roles. If, for example, aspects of someone's physical appearance make their biological sex unavoidably obvious to an observer, then it may be harder for them to perform an alternative gender. This is largely because others recognise and respond to the physical appearance that they experience. This limitation on potential identity performances can of course be overcome: some individuals might make an attempt at superficial change – of clothing, or haircut or the application of makeup. Others may choose to make more permanent changes to their physicality.