

Scientific Report

ESF Exploratory Workshop on

The E-Mediation of Criminal Justice: Internet Crime Reporting

Preston, UK, 27-30 March 2008

Convened by:
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The E-Mediation of Criminal Justice: Internet Crime Reporting

Report of an Exploratory Workshop: March 28-30 2008

Prepared by Martin O'Brien

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Executive Summary

The European Science Foundation workshop on the E-Mediation of Justice: Internet Crime Reporting took place on March 28th-30th 2008 at the University of Central Lancashire, Preston, UK. Fifteen participants from nine European countries were present (Bulgaria, Czech Republic, Germany, Hungary, Ireland, Italy, Norway, Romania and United Kingdom).

The workshop was organized into three thematic blocks addressing theoretical and methodological issues in researching online crime reporting; regional reports from different European areas regarding developments in internet crime reporting systems; and open discussions on varieties of technological, legal and social factors driving different kinds of online reporting mechanisms across Europe. The workshop opened on the afternoon of Friday March 28th and closed after lunch on Sunday March 30th with a debriefing for the convenors. In between, workshop participants discussed technologies of e-mediation of criminal justice, the production of criminological knowledge with special reference to online crime, and methodologies for researching online users of reporting systems as well as hearing about specific national (or, in the case of Scandinavia, regional) developments.

The focus of the workshop – internet crime reporting systems – is a very under-represented area of research across Europe so a primary aim of the event was to enable researchers to share information and approaches with each other with a view to developing collaborations around the topic in future. Key scientific topics included:

- Variations in Regional online reporting systems – what can be reported, how can it be reported, what responses are generated by Criminal Justice Agencies?
- Variations in the uses of online reporting systems – who uses them, for what purposes and who monitors their use?
- Variations in the technological platforms supporting online reporting systems – how do the different platforms enable/constrain citizen and agency engagement?
- Methodologies for researching internet crime reporting and institutional responses to such reporting.

Additionally, the workshop provided opportunities to share knowledge about current research into internet crime reporting systems and to consider questions relating to the social and legal contexts in which the systems are used by individuals and institutions.

Several findings emerged from the workshop:

- Different European countries are developing online reporting systems in very different ways and, indeed, different reporting systems are emerging even within single European nations (the case of England stood out markedly in this respect).
- The variety of online reporting systems is not confined to national Criminal Justice Agencies. There are also very many private or quasi-private organisations that encourage citizens to report anything from copyright theft to child abuse and/or internet grooming via the web.
- Issues of trust are crucial to the use that is made of such systems. Where Criminal Justice Agencies are viewed with suspicion then developments in the E-Mediation of Justice are also viewed with suspicion.
- Different countries have different levels of technological capacity to offer online reporting facilities. Some online portals are highly sophisticated – facilitating a smooth transition between reporting and recording functions or enabling easy citizen access to a moderate range of ‘virtual’ services and advice whilst others represent little more than basic informational gateways that redirect users to ‘real world’ services. In this regard, developments in Germany and Sweden stand in marked contrast to developments in Bulgaria and Ireland, for example.

In short, whilst ‘online crime reporting’ appears, on the surface, to be a relatively simple mechanism for providing extra options to citizens to report illegal activity it is in fact caught up in a wide range of other institutional changes and is driven by technological, social and legal factors.

Scientific Content

The workshop opened by considering the different kinds of interface that are enabled by online facilities. E-mediation occurs between governments and citizens, between government departments, between government and private enterprise, and so on. Online crime reporting systems are but a small and, as yet, under-developed fraction of the total range of E-mediations and the technologies through which they are delivered share important features with and need to match other technological platforms in use in diverse organisations. Internet based technologies may be used in legal information systems, court automation systems, case management systems and work flow automation systems such that online reporting is simply one filament in a dense web of E-mediated processes. Thus, any technological procedure for reporting crime online needs to be robust, secure and trusted by its users. Moreover, sometimes the insertion of new technologies into existing systems may affect the behaviour of members of the organisation. In this case it seems to be necessary to consider dynamics of change and the complexity of the environment involved in it as one of the elements of the development.

Several challenges to traditional criminal justice models are posed by the rise of new communication technologies. The 'new media model' of criminal justice communication represents a pluralised array of potential partnerships between state agencies, citizens and private (or quasi-private) crime control agencies. This new model offers both opportunities for streamlining communication between citizens and the state as well as potentially overcoming some inhibitions to reporting crimes face-to-face but it also presents some unique challenges. These include potentially increased opportunities for malicious reporting, the difficulty of establishing reporting accuracy and the fact that different rates of online literacy may skew the population sample using the internet as a means of communicating with crime control agencies. This last issue also exposed the potential problems generated by the 'digital divide'. Access to and proficiency with new communications media is structured by existing relations of inequality – exemplified most clearly by relations of class and age. Access to and ownership of computing facilities is driven strongly by socio-economic status and, even where access is available, the use of such facilities is structured by age – younger people are far more likely to make use of online systems than older people. Whilst rates of online literacy among older people will undoubtedly rise it is very likely that technologies will continue to change such that existing patterns of unequal access are likely to continue into the future.

The variability and multi-functionality of E-mediation technologies was visible in the regional reports presented by the delegates. Some countries have prioritised making information available via passive access – such as the 'E-filing room' and the InfoCourt project in the Czech Republic. In Germany, on the other hand, an interactive online police station has been established in Brandenburg – a facility that also includes a 'children's police station'. The system invites citizens to report crime and corruption, register demonstrations, make complaints against the police or simply contact the police for other reasons. Moreover, mobile, E-mediated policing services are coming to replace a 'static' front line presence. Four real police stations have been closed in the Brandenburg area whilst interactive police cars are rapidly becoming mobile high-tech-units. There remain questions, however, about the effectiveness of E-mediated criminal justice processes in general and about online

reporting systems in particular. These include whether such facilities lead to the reporting of things about which criminal justice agencies either cannot or will not do anything. This issue was thrown into sharp relief by the results of an evaluation in Lower Saxony showing that out of 502 incidents reported online only 18 led to any action on the part of the Criminal Justice System. Furthermore, it appears that the kinds of crimes most likely to be reported are simple, 'one-step' incidents that are very easily captured on a simple information template.

Some countries have no online reporting facility for normal crime. In Ireland, a form is available on the internet but this has to be filled in manually and then taken physically to a police station. Thus, the web is used as a passive information service and whilst there is a 'hotline' for reporting child pornography and an online form for reporting racist incidents, the latter has to be filled in and submitted via email. A similar situation obtains in Hungary where there is a hotline for reporting illegal and harmful web content and an email facility for reporting crimes to the police. There was a national online reporting facility for England and Wales but this has closed and now there is a great deal of variation between police forces in the provision of online facilities. The two most advanced are the Metropolitan Police and Surrey Constabulary but even here there is variation in what information is collected and how the online facilities are structured. In Denmark, meanwhile, there is an online facility for reporting property crimes – including vehicles and personal property not exceeding DKK8000 – whilst a similar facility in Sweden includes the reporting of burglary and pick-pocketing. The Swedish system automatically transfers data to the police report system so that there is a 'fit' between reporting and recording functions. Interestingly, it was found that people reporting incidents do so with a high degree of accuracy – only 2.5 % of reports need supplementation/completion by police service personnel.

In all countries it was noted that Criminal Justice Agencies are not the only organisations to which crimes and harms are to be reported. There is a mixture of non-formal procedures, procedures implemented by judicial authorities and procedures implemented by administrative authorities. These procedures address, variously, matters relating to copyright protection, intelligence gathering on organised criminal activities and the collection of information relating to child abuse and mistreatment. Returning to the issue of the 'digital divide' it needs to be acknowledged that the divide is spatial as well as social. Romania and Bulgaria are below the EU average for internet penetration (43%) but even within these countries there are clear differences between business and citizen access to online technologies and clear differences in the kinds of information made available.

The topic of internet crime reporting is not only about the provision of facilities by organisations it is also about the use that is made of those facilities and the behaviour of individuals and groups who report crimes online. For example, there are at least three kinds of online reporter. These are discrete reporters, repeat reporters and 'hijackers'. Discrete reporters are commonly individual victims and witnesses. They report isolated events such as theft or criminal damage. Repeat reporters are commonly employees or members of organisations such as school caretakers or Local Authority employees. They report regular incidents – notably criminal damage to buildings or street furniture. 'Hijackers' are members of identifiable groups who have a special interest in calling attention to certain episodic or regular criminal

incidents – such as Residents’ Associations and even political parties. For example, following the demonstration in London against cartoons of the prophet Mohammad in February 2006 the (then) online reporting facility managed by the UK National Policing Improvement Agency received several hundred complaints about racial incitement on the part of the demonstrators. These complaints were legitimate yet a large proportion of them had been orchestrated through the British National Party – which has strong views on race and immigration. In each of these cases the way that the online facilities are used suggests that attention needs to be paid to the design of online forms to ensure their ease of use by different individuals and groups and attention also needs to be paid to the potential for such systems to be hijacked by determined groups with prior agendas.

Assessment of the Workshop

The workshop was a great success. It enabled scholars from across Europe to discuss a brand new area of research and to consider the social, legal and technological frameworks within which a specific component of the E-mediation of justice operates. Although the chosen topic was intentionally narrow it quickly became very clear that it touches on some very broad questions of service provision and citizen participation. Additionally, any assessment of online crime reporting facilities needs to work across a range of judicial, civil and business organisations. Different kinds of crimes are reported to different kinds of organisations – in the UK, for example, many kinds of financial crime are reported to banks and are not reported to the police at all. There are both state-sponsored and citizen-sponsored facilities and it is, as yet, unclear whether the variation in reporting facilities has any impact on the overall picture that Criminal Justice Agencies have of crime – locally, nationally or internationally. This last observation ought to be a priority for future research in this area especially given the trans-national character of much contemporary crime. The workshop also concluded that variations in the kinds of uses that are made of online reporting systems should inform future research in this area. There are different kinds of users and the online reporting facilities need to satisfy both organisational/bureaucratic needs as well as citizen and community needs. Information on the behaviour of users will be crucial if effective online reporting facilities are to emerge and particularly if there is to be any European dimension to such facilities.

A proposal for future research in this area has been submitted by some of the workshop participants to the European Collaborative Research Programme under the auspices of EMOJEN (E-Mediation of Justice in Europe Network). This research is intended to build on the success of the workshop. Additionally, there is interest among the participants in the production of an edited collection of the conference presentations and a contract for such a book will be sought by members of the workshop.

Information on Participants

Of the fifteen participants five were female and ten were male. There was a mixture of ages – four participants were under 35 years and 9 were between 35 and 55 years. Two were aged over 55 years. The countries of origin were:

UK: 5
BU: 1
CZ: 2
DE: 2
IE: 1
IT: 1
HU: 1
NO: 1
RO: 1

Workshop Programme

	Day 1	Day 2	Day 3
Early am (9.15-10.45)		Regional Reports Chair: Heidi Mork Lomell Czech Republic Věra Kalvodová, Radim Polcak Germany Hans-Jörg Albrecht; Eric Toepfer.	Open Discussion: Chair: Martin O'Brien Varieties of E-mediation in European Criminal Justice: Lessons from the Regional Reports
10.45-11.15		Refreshments	Refreshments
Late am (11.15-13.00)		Regional Reports Chair: Eric Toepfer Bulgaria George Dimitrov Hungary Katalin Parti Romania Mircea Sinescu	Planning Meeting: Chair: Jo Cannataci Developing Research Agendas into the E-mediation of Criminal Justice
13.00-14.00	Lunch	Lunch	Lunch
Early pm (14.15-15.45)	REGISTRATION Informal introductions	Regional Reports Chair: George Dimitrov Britain Joe Cannataci, Martin O'Brien; Ireland Rónán Kennedy Scandinavia Heidi Mork Lomell	DEPARTURE Debriefing for convenors
15.45-16.15	Refreshments	Refreshments	
Late pm (16.15-18.00)	WELCOME AND OPENING SPEECHES: Dr. Balasz Kiss: 'Presentation of the European Science Foundation' Eleonora Paganelli: 'Technologies of E-justice: trust, participation and governance' Majid Yar 'The E-mediation of Criminal Justice in Europe'	Researching E-mediation: Theoretical and Methodological Issues David Wall: 'The production of Criminological Knowledge of Cybercrimes' Joanne Bryce: 'Researching On-line Users: Internet, Crime and Crime Reporting'	
Evening	Dinner: 8pm Scholar's Restaurant, Foster Building	Dinner: 7.30pm Duk Tapas Bar, 16-18 Lancaster Road	

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