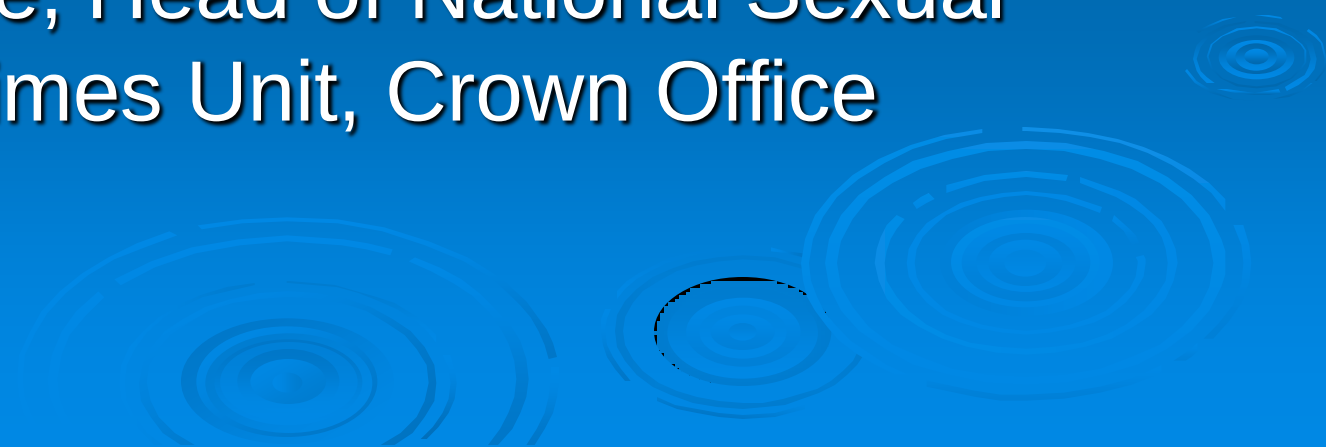


Prosecuting Sexual e-crime Evidence and Effects

Alison Di Rollo, Senior Advocate
Depute, Head of National Sexual
Crimes Unit, Crown Office

The background of the slide is a solid blue color. In the bottom right corner, there are several sets of concentric circles, resembling ripples in water, rendered in a lighter shade of blue. These circles are of varying sizes and are positioned in a way that they appear to be emanating from the right edge of the slide.

Sex crime and the Internet

- Reflections from NSCU
 - Case study – Barry McCluskie
 - Predatory/exploitative offending
 - Offending among peers
 - E-evidence
 - Is Scots law keeping up?
 - Thoughts for the future
- 

“not a particular problem”

- *Current Law Statutes 1994, Volume 3, Criminal Justice and Public Order Act 1994, c.33, note to s.84: “There is little evidence that the taking or distribution of indecent photographs of children is a particular problem in Scotland, or that there was any need for an increase in the maximum penalty for these offences”.*

Reports s.52 Civic Government (Scotland) Act 1982

- Steady increase 1,5,2,2,7,7,4,9,9,15,16 (1991-2001)
- 2002/2003 – 321 reports received by COPFS
- 2007-08 345
- 2008-09 330
- 2009-10 364
- 2010-11 456
- 2011-12 595
- 2012-13 796

Operation Trinity

- Initial Enquiry
- 17 February 2010
- A report was received that a 13 year old girl has been receiving messages via MSN whereby she had been induced to carry out sexual acts while the suspect watched and recorded by webcam

Search and Seizure



Statistics

- 13 computers belonging to the suspect
- 36 computers belonging to the victims
 - 300 DVDs
 - 5 Digital Cameras

Equivalent to 2,844 films on DVD

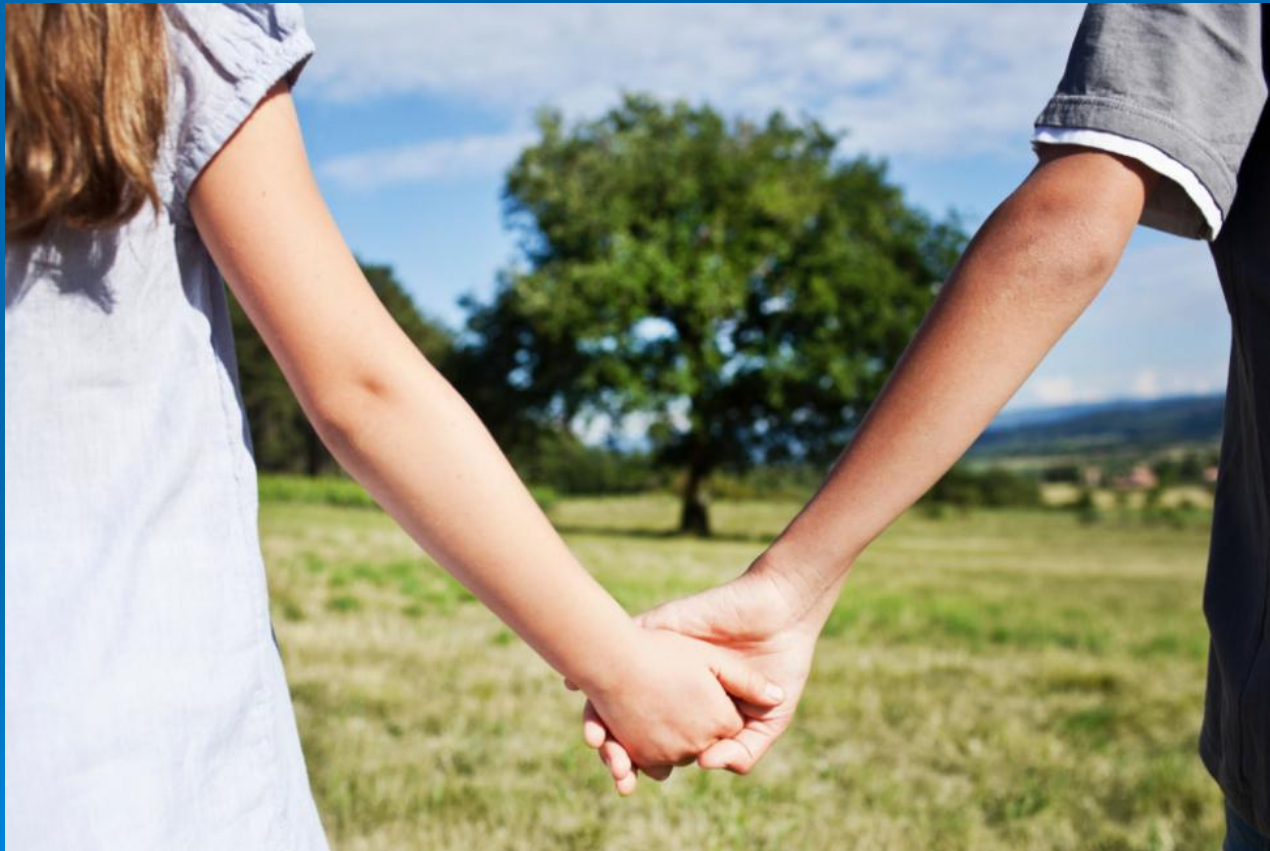
Findings

- Encryption (1000s of files)
- Internet Chat (1000s)
- Indecent images of children (9993)
- Filming in supermarket of young school girls (150)
- Filming of the changing rooms at a local sports centre (41)
- Web camera/mobile phone footage of teenage girls (1000s)

addickted	if yoo dont want anywan tae find oot then dae sum videos digital camera is best or fone cam digi cam is better quality bright room lying on yoor bed or sumfing and illt ell yoo wit tae dae
(VICTIM)	omg you told me to go on cam then ye said we can delete each other PLEASE
addickted	do a few wee sexy videos and ill delet yoo and the pics



Children of ten ‘are regularly having sex’





Sexting is also common among young teens

▶ **IS SNAPCHAT HARMLESS?**
DOESN'T LOOK LIKE IT.



E-evidence and Scots law

- HMA v Graham [2010] HCJAC 50
- Robinson v HMA [2013] HCJAC 43
- WD v PF Airdrie [2013] [2013] HCJAC 44
- Sexual Offences (Scotland) Act 2009

Thoughts for the Future

- Reliance on skilled witnesses
- 110 day rule
- Abolition of corroboration
- Culture, awareness, prevention



