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# Understanding Youth Image-Based Sexual Abuse: The Role of Context and Police Discretion

Alishya Dhir

## Abstract

There has been much written about youth image-sharing and particularly 'sexting' over the years. Academics have explored different facets of these experiences including the role of consent, its gendered nature and proximity to relationship abuse. However, even with these investigations, there is a need to identify and understand harmful image-sharing in more depth, specifically, what is described in this research as youth image-based sexual abuse. Using knowledge about child sexual abuse images and image-based sexual abuse, this thesis intends to explore in more detail how youth image-based sexual abuse is experienced, focusing in on two themes, context, and police discretion. A mixed methods approach was utilised, including an analysis of Freedom of Information responses from Police forces in England and Wales and semi-structured interviews. Findings collated from the Freedom of Information responses provided details on different youth image-based sexual abuse offences, including the gender and age of victims and suspects. A total of 26 participants were interviewed, 18 police officers of different ranks and 8 practitioners, whose professions ranged from specialist sex and relationships educators to youth workers. The interviews shed light on the complexities of youth image-based sexual abuse, such as which cases are encountered by police and practitioners, what challenges are presented as well as how decision-making is navigated. Further themes were identified when quantitative and qualitative findings were analysed collectively, such as the impact of the situational and individual context on youth image-based sexual abuse, the degree to which police discretion is applied thematically throughout these cases, and the many challenges which police, practitioners and young people face. This thesis makes an original contribution by examining in depth the nature of youth image-based sexual abuse, as well as highlighting the influence policing and police discretion has.

Understanding Youth Image-Based Sexual Abuse: The Role of Context and  
Police Discretion

Alishya Dhir

PhD Thesis

Department of Sociology

Durham University

2022

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## Statement of Copyright

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## Dedication

This thesis is firstly dedicated to all women and young people who have experienced image-based sexual abuse.

I would also like to specially mention two women, my mother and my nani, both have taught me to stand up in my life and I would not have done this without them.

## Chapter1: Introduction

### 1.1 Setting the Scene

The internet and digital technologies have become integral to young people's lives. With a generation who have grown up with technology already embedded in many aspects of life, it is unsurprising that the occurrence of online communication amongst young people and children has increased significantly (Brignall and Van Valey, 2007). Research has identified the many contributions that technology has made to young people's lives, for instance in building communities and increasing participation in activities (McMillan and Morrison, 2006). Social media has itself been described as assisting young people in creating and/or establishing an identity, whilst more messaging specific services – such as MSN – enable them to have private conversations with friends and peers (Livingstone, 2008).

In 2010 the psychologist Dr Linda Papadopoulos published a review – after being approached by the then Home Secretary – titled 'Sexualisation of Young People'. The publication outlined how sexualisation in many forms, such as imagery, messages as well as the media can have a detrimental impact on young people and enable violence and abuse (Papadopoulos, 2010). The report, whilst being criticised for being 'part of the latest moral panic and a prime example of the government's use of academics to pursue its own agenda' (Smith, 2010), presents a continuous point of interest – young people, sexuality and the digital environment.

Research has in the past documented the 'sexualized discourse and images' (Ringrose, 2011, p. 103) that are present on social networking sites, in this case, specifically Bebo. Bebo peaked in popularity in the early 2000's particularly with younger teenagers. Examples explored in this research include the prominence of quizzes such as 'Are You Sexy, Flirty, Or A Slut?' (Ringrose, 2011, p. 105), conversations between girls as to how they navigate deciding what is an appropriate profile picture without appearing too 'slutty' (Ringrose, 2011, p. 106) and the notoriety of the playboy bunny (Ringrose, 2011).

Ringrose however clarifies that it is important to approach discussions about sexualisation and young people with a 'nuanced feminist analysis' (2011, p. 100) as opposed to the tendency to portray young people's sexuality within the confines of a moral panic – see Smith's criticism of Papadopoulos' report. Understanding the specifics of online sexualisation, agency and potential harmful or abusive behaviours requires a comprehensive perspective which accounts for how these actions are navigated by young people and can at times blend into each other.

Research over the years has begun to explore these themes, with a heightened interest in young people's digital intimacies, or 'sexting' (Setty, 2020; Albury, 2017; Ringrose, et al. 2013, Ringrose, 2011). Many of these researchers have continued to investigate how young people navigate intimacy digitally whilst recognising that these experiences can sometimes become harmful (Ringrose, et al. 2022; Setty, 2020). With the development of technology and young people's lives being more intrinsically linked with the online environment, it is important to continue making space to recognise that young people have sexual autonomy whilst being aware of the increase in technologically facilitated sexual violence.

With advancements in technology it was almost inevitable that these digital tools would be used to facilitate and perpetrate sexual violence and abuse (Henry and Powell, 2018). Numerous forms of abuse have been identified from online sexual harassment, cyberstalking and technology-facilitated sexual assault and coercion (Henry and Powell, 2018; Henry and Powell, 2016), it is however image-based sexual abuse which is central to this research. First described by McGlynn and Rackley (2016) as a better and more appropriate term than 'revenge porn', this abuse consists of the 'non-consensual creation and/or distribution of private sexual images' (McGlynn and Rackley, 2017, p. 534). Since the initial documentation of this abuse by researchers, our understanding has progressed – unfortunately with the occurrence of differing forms, such as Cyberflashing (McGlynn and Johnson, 2021). But where do young people sit within this framework? With our understanding of young people's relationship with technology, as well as the rise in differing forms of image-based sexual abuse, it is integral we make space to ascertain how young people experience abusive image-sharing.

## **1.2 Research Rationale**

'Sexting' and the idea of young people sharing private sexual images consensually and non-consensually has been documented in academic literature for a while (Ringrose, et al. 2022; Setty, 2020; Lloyd, 2020; Wood, et al. 2015; Drouin, et al. 2015; Ringrose, et al. 2013; Johnson and Dalton, 2012). The conclusions made by these researchers acknowledge the multi-faceted nature of this term (May-Chahal and Palmer, 2018), including, how consent is not static (Johnson and Dalton, 2012), the possibility for 'sexting' to be coercive (Drouin, et al. 2015) and recognising the gendered dynamics involved (Ringrose, et al. 2013). Whilst these researchers, and many others, have made significant progress in developing our understanding of youth image-sharing, there remains much to be explored with regards to the extent and context of image-based sexual abuse amongst young people.



With the possession or distribution of private sexual images of young people being considered an offence (*Protection of Children Act 1978*), the police inevitably play a role in responses to 'sexting' or youth image-based sexual abuse cases. Concerns have been raised about police responses to sexual violence (Hohl and Stanko, 2015; Jordan, 2004; Jordan, 2001; Temkin, 1997), however these are primarily focused on the experiences of rape victim-survivors. Additionally, research has explored the policing of child sexual abuse images, yet these cover topics such as legislation and enforcement (Nair, 2019; Akdeniz, 2008; Williams, 2003), or large-scale police investigations, such as Operation Ore (Akdeniz, 2008). Alongside this, research specifically focused on the challenges of policing child sexual abuse images tends to be somewhat outdated: Jewkes and Andrews (2005) ground-breaking work is now 17 years old, and whilst there are aspects of their research which are still relevant today, on a technical and societal front there have been significant advances.

My research intends to take influence from literature on image-based sexual abuse (Henry, et al. 2021; McGlynn, et al. 2021; McGlynn, et al. 2019; McGlynn and Rackley, 2017; McGlynn, et al. 2017; Henry and Powell, 2016) and formulate a more detailed understanding of youth image-based sexual abuse, how it differs and shares similarities with current framings of image-based sexual abuse as well as 'sexting'. Furthermore, I propose to build on the existing literature discussed, exploring the abusive and coercive forms of image sharing, how consent is negotiated by young people and whether youth image-based sexual abuse can be defined as gendered abuse. Crucially, I want to highlight the role of the police, working from literature concerning policing sexual violence and child sexual abuse images. Academics have themselves noted that the police have been fairly absent 'from much contemporary debate about law and sexual morality' (Johnson and Dalton, 2012, p. 23) and I believe this is particularly relevant to the experiences of young people. I hope this research can provide a more detailed understanding of young people's experiences, particularly young women and girls, and through that inform how we can better support young victim-survivors of abuse.

### **1.3 Research Questions**

Below are the research questions for this project which address four different strands of policing youth image sharing and image-based sexual abuse; challenges, opportunities, discretion and context.

1. What are the main challenges and opportunities of policing youth image sharing and image-based sexual abuse?
2. How does discretion work in the policing of youth image sharing and image-based sexual abuse?

3. What roles does context play in the policing of youth image sharing and image-based sexual abuse?

#### **1.4 Definitions**

Definitions are key in violence and abuse research but at times can equally be muddled and complex. Research has identified how definitions can take on different meanings in different contexts, for instance, how victims of sexual assault or rape can have difficulty defining their experiences if they have occurred within an intimate relationship (Bagwell-Gray, et al., 2015). Additionally, researchers have pointed out that definitions can be developed from a perpetrator's perspective, rather than acknowledging the lived reality of victims, such as domestic violence previously being referred to as 'incidents' rather than a continuous cycle which impacts all aspects of victim-survivor's lives (Kelly and Westmarland, 2016).

When considering the definitions and language that would be used in this research, it was vital to learn from current research on image-based sexual abuse as well as identifying the context in which participant definitions have been taken from. I will now briefly elaborate on specific language that is regularly used throughout this research.

McGlynn and Rackley (2017) discussed the establishment of 'image-based sexual abuse' as a preferred concept and term to previous, more colloquial language such as 'revenge porn'. It was identified that the inclusion of 'sexual abuse' more readily conveys the harm that is experienced and thus the reality for victim survivors (McGlynn and Rackley, 2017). Additionally, recognising image-based sexual abuse as a facet of sexual abuse and violence more widely allows for consistency in responses to violence against women whilst situating it amongst the continuum of sexual violence (McGlynn and Rackley, 2017). It is for these particular reasons that I decided to use the terminology youth image-based sexual abuse, aligning with the arguments made by McGlynn and Rackley (2017). Previously when discussing the sharing of images amongst young people, language such as 'sexting' has been adopted (see Johnson and Dalton, 2012 and Setty, 2020), whilst researchers identify the pitfalls of this terminology, I believe that when examining the harm experienced by young people whose private images have been non-consensually shared there is a necessity to be clear about the experience, rather than watering it down. There is also the issue of perceived consent, something which has too been identified by McGlynn and Rackley with the inclusion of 'porn' in some of the undesirable language used (2017). For this reason, I have separated the terminology used in this research; youth image-based sexual as a definition accounts for image-sharing practices which are considered abusive and harmful – such as the non-consensual sharing of images/videos, threats to share images/videos, upskirting, receiving unsolicited sexual images, amongst others – whereas

youth image sharing concerns consensual image sharing. Whilst this research and the research findings are largely centred on youth image-based sexual abuse, it is important to distinguish between non-consensual and consensual image sharing – something which has been reinforced in literature (Döring, 2014) – particularly since outdated and impractical legislation, results in the two being conflated, leading to police intervention.

The purpose of utilising the definition youth image-based sexual abuse in this research is to firstly recognise – through the use of terminology – that certain image sharing practices amongst young people can be abusive. Additionally, using the right language to highlight this is imperative, colloquial terminology rarely recognises the lived experiences of victims. Researchers in the field have worked to identify appropriate terminology for these experiences. Brennan and Phippen (2018) suggested that phrasing such as ‘youth-produced’ or ‘self-generated’ is underpinned by victim blaming narratives, deciding upon ‘youth-involved sexual imagery’ in their research which they believed more accurately reflected cases where young people are involved, but lays no blame. However, this research accounts for practices which are not solely peer-on-peer, for instance, in cases of cyberflashing or upskirting the suspect may be entirely unknown to the victim and therefore would fall out the realm of the term ‘youth-involved sexual imagery’. In comparison, youth image-based sexual abuse accounts for the abusive image practices young people experience without the focus being on victim’s behaviours or suspects actions, and rather highlights the harm caused.

The term youth image-based sexual abuse too offers those working in the field of policy and practice a more realistic definition to work from as opposed to ‘sexting’ or ‘child pornography’. Terms such as ‘sexting’ and ‘child pornography’ can trivialise abuse and therefore are not appropriate when discussing responses, further ‘youth-produced’ and ‘self-generated’ tend to focus on the victim’s actions. Adopting youth image-based sexual abuse would also align policy and practice responses with image-based sexual abuse more widely where calls have been made for a ‘multi-layered, multi-institutional and multi-agency response’ (Rackley, et al. 2021, p. 294). Currently abusive image-sharing practices amongst young people are responded to in a disjointed manner, with inconsistent governmental and policy action. Therefore, situating youth image-based sexual amongst wider calls for improved responses to image-based sexual abuse means that there can be a joined-up approach, and at the same time recognising the additional safeguarding needs of young people.

Whilst much consideration has been put into utilising the term youth image-based sexual abuse, it is very much a working definition and employed specifically for this research. The term accounts for many forms of abuse, indeed this means that there are no limitations and harmful practices are not discounted, however, it too means the term is somewhat vague and does not necessarily provide

enough detail about the specific experiences. Furthermore, the intention was to account for offences where the suspect may not be known to the victim, yet, many forms of youth image based sexual abuse can be considered peer-on-peer which involve a considerably different dynamic to offences where young people have been preyed upon. Arguably the two should not be conflated as they require different responses. With this in mind, I believe that youth image-based sexual abuse is the most appropriate term for this project, but those working in the field should consider the terminology's effectiveness and whether there are other definitions which are more reflective of their research intentions.

The term practitioner is used to describe an individual who works in a specialist field. When considering policing and responding to youth image-based sexual abuse, practitioner as a term would be inclusive of the police, however, throughout my research I have separated participants into the categories of 'police' and 'practitioner' or 'non-police practitioner'. The reasoning for this is that whilst the police may as individuals have differing perspectives, the practical approach to youth image-based abuse is similar as they are responding based on the policing processes in place. On the other hand, other participants included in my research – such as youth workers or sexual health workers – will not be actively investigating cases of youth image-based sexual abuse, rather they will be viewing the incidents from a very different outlook, sometimes critiquing the response by the police. It was therefore important to clearly identify how the police's perspective and practitioner's perspective differed and in turn how this resulted in them experiencing different challenge as well as different opportunities.

Discussions have been had about the use of 'victim' in research concerning sexual violence, some literature describes how this language can have the connotation of being 'weak' (Boyle and Rogers, 2020, p. 337), with terms such as survivor or victim-survivor being preferred (Boyle and Rogers, 2020). The choice of using 'victim' when discussing the findings of this research project and 'suspect' – as opposed to perpetrator – is due to the data collected and ensuring that consistent terminology is utilised throughout. The use of victim and suspect in this research is therefore a reflection of the language used by police, for instance Freedom of Information (FOI) responses from police specifically records those involved in cases as either victims or suspects, and police themselves (who make up the majority of research participants) when interviewed also use these terms. As a result, the choice of language is not an impression of those who have experienced or perpetrated youth image-based sexual abuse or the researcher's opinion, rather an intention to refrain from including too many different terms.

### **1.4.1 Context**

Context can be defined as ‘the circumstances that form the setting for an event, statement or idea’ (Soanes and Hawker, 2005, p. 210). Within this definition, ‘circumstances’ is of particular importance. The *Protection of Children Act 1978*, defines ‘child’ as anyone under the age of 18 (*Protection of Children Act 1978, s.7(6)*), the result is that any ‘indecent image’ of someone under the age of 18 is liable to be criminalised. Consequently, the decisions being made in these situations, about what is criminal or not, are largely down to personal opinion, or those attempting to convey what a reasonable person would or wouldn’t do (Johnson and Dalton, 2012). Referring to the police’s role in this, they will arguably take up a position of moral enforcers (Johnson and Dalton, 2012) and have the difficulty of trying to navigate a terrain where there is no clear direction, whilst maintaining that police responses reflect the law and are proportionate (Hales, 2018). To relate this back to the research rationale, due to the *Protection of Children Act 1978* encompassing many different actions, inclusive of youth image-based sexual abuse, it is important to view the actions on a contextual basis, acknowledging the different harms, whether consent has been negotiated and if punitive outcomes are appropriate.

### **1.4.2 Discretion**

Tied closely and influenced by context, is discretion. Discretion within policing ‘denotes the freedom of the individual officer to act according to his or her own judgement in particular situations’ (Newburn and Neyroud, 2008, p. 82). In academia, discretion has been used to shed light on the tendency to over-police minority groups (Lister, 2009) as well as how the police navigate domestic abuse cases (Myhill and Johnson, 2016), however, this research will focus on the role of police discretion in cases of youth image-based sexual abuse. Due to the nature of these cases, an officer’s discretion can be informed by numerous sources: it can be prompted from a legal perspective, due to wide-ranging legislation, a contextual basis due to youth image-based sexual abuse, child sexual abuse images and ‘sexting’ taking many different forms, and an individual basis, since one person’s sense of obscenity or what is immoral will vary to another.

## **1.5 Research Context**

The wider context of this research will be referred to a number of times throughout this thesis, however I feel it is important to address it openly in the introduction. Whilst most if not all participants were interviewed prior to the increased news coverage about women’s safety in public spaces and the prominence of sexual abuse within schools amongst peer groups, it was an unfolding conversation during the writing process. As I approach the final months of my PhD, reporting has

arguably hit a new peak, particularly following Everyone's Invited, the Ofsted Report on sexual abuse in school and a recently widely published research project on youth image-based harassment and abuse (Ringrose, et al. 2021). The climate in which this thesis has been written speaks to the importance of the work. I can only hope that the findings prove useful to those working in the field and improve experiences for victim-survivors of youth image-based sexual abuse.

## **1.6 Structure of Thesis**

This chapter has introduced the backdrop of this research project which highlights the general interest in young people and digital intimacies. From this I have presented my research rationale which contends that there is a need to further develop our understanding of young people's image-sharing habits, particularly those which can be deemed as harmful. The research questions, key definitions and research context have then been presented, these provide information about the direction of the research as well as the context in which it has taken place.

Chapter 2 is the first of two literature review chapters. Here there will be a breakdown of relevant literature regarding child sexual abuse images and image-based sexual abuse. Different strands of these forms of abuse will be explored, including the prevalence, victims, suspects and harms of each. The purpose of outlining each of these offences is to better inform youth image-based sexual abuse, pointing to how offences can share common characteristics and yet be different.

Chapter 3 concerns policing. The chapter begins by briefly describing the history of UK policing, where it started and how it fits within the current landscape of many offences taking place online and ever developing with advancements in technology. Considering the events of the past few years, I pose the question in this chapter whether the police are institutionally sexist, this then leads into a discussion of policing sexual violence, policing child sexual abuse images and policing technologically facilitated sexual violence, including image-based sexual abuse.

Chapter 4 concerns the approach to research methods. Here the research questions will be presented as well as the mixed methods approach of this research, inclusive of Freedom of Information (FOI) requests and qualitative interviews with police and non-police practitioners. The strengths and weaknesses of each method will be explored as well as the chosen forms of analysis. The chapter will then go on to describe the feminist research and methodological themes present in this study. Following this, ethical considerations will be explored, including researcher positionality and the impacts of researching sexual violence and abuse.

Chapter 5 presents the quantitative findings, identifying from police statistics what is known about the victims and suspects of youth image-based sexual abuse, inclusive of indecent image, disclosing

private sexual images and upskirting offences. These findings describe key identifiable characteristics about youth image-based sexual abuse, including its gendered nature, the likelihood of peer-on-peer abuse and the possibility of different offences being common across different age groups.

Chapter 6 concerns the situational and individual context of youth image-based sexual abuse, these findings are informed by both the quantitative and qualitative methods. The chapter is split into two with the first section focused on the situational context, such as youth culture, the school environment and relationships. The individual context brings in themes related to identity, particularly gender, sexuality, race, class and disability. The findings in this chapter speak to the complexity of youth image-based sexual abuse.

Chapter 7 explores the external and internal challenges of policing youth image-based sexual abuse. Here resource constraints, difficulty with technology and social media are discussed. Following there will be an exploration into the internal challenge of institutional sexism and the extent to which this impacts on the police's ability to respond to youth image-based sexual abuse. Whilst many of these challenges could be addressed through better funding and compliance from social media platforms, there is much to be said for the widespread changes that are needed within the police to improve their responses.

Chapter 8 presents findings on a key concept in this thesis, police discretion. Utilising both qualitative and quantitative findings, the role of police discretion in cases of youth image-based sexual abuse will be examined, particularly how much influence it wields. As a comparison to police discretion, practitioner and youth decision-making will also be discussed. It will be suggested here that police discretion functions almost in contrast to practitioner and youth decision-making, with one holding much more power than the other.

Chapter 9 finally concludes the thesis with a summary of the key findings, made up of, the recognition that youth image-based sexual abuse is a continuum of experiences, that there is a gendered nature to these cases as well as the role that police discretion plays in how these cases are responded to. There will then be an evaluation of certain aspects of the research, before considering the implications, recommendations and areas of future research.

### **1.7 Impact of Covid-19**

The majority of my PhD has taken place during a global pandemic. The impact that that has had on my work as well as my mental health cannot be understated. Regarding the plans for my research, initially I had intended to carry out an ethnographic study with the police alongside the interviews, observing their actions and decision-making during cases of youth image-based sexual abuse. I had

set up a number of meetings with police officers where the specifics of the ethnographic work would be confirmed. These meetings were due to take place in March 2020. Following announcements that the Covid-19 situation in the UK had worsened, these meetings were cancelled with the intention of following up when things had improved. On the 23<sup>rd</sup> March the UK went into lockdown. These plans ended up being abandoned alongside the prospect of doing any ethnographic work.

As for my personal experience during Covid-19, I spent more time in Wolverhampton with my parents than in Durham. Whilst carrying out my data collection and working I was also caring for elderly members of my family and those with severe underlying health conditions. Alongside my mum, we would clean, cook and keep our family members company who were, to be blunt, trapped in their houses. I also watched my mum – a primary school teacher – go into work most days worried that today would be the day that she would catch Covid-19. The reality of living with such anxiety, which at the time was normalised, meant I was constantly on edge thinking that if someone in my family caught Covid-19 they would die – this compounded by the evidence that Black and Minoritised communities were disproportionately impacted.

Whilst these words may appear too personal, it is the reality in which this research was carried out. For me it is impossible to separate my emotions about the above from the thesis itself.

### **1.8 Summary**

Overall, this research seeks to build on current knowledge of youth image-sharing, particularly instances which are abusive and coercive, through this providing space for this form of abuse to be recognised beyond ‘sexting’ and child sexual abuse images. Additionally, these factors will be examined through discussions with police officers and other practitioners, understanding the role that the police play in responding to youth image-based sexual abuse, whilst also unpacking how practitioners view this abuse and going forward what decisions they perceive as appropriate. These findings will add to an expanding scholarship as well as contribute to a contemporary discussion about online sexual abuse amongst young people



## Chapter 2: Child Sexual Abuse Images and Image-Based Sexual Abuse

### 2.1 Introduction

The following chapter will explore the characteristics of child sexual abuse images and image-based sexual abuse, including a breakdown of definitions, prevalence, victims, perpetrators and harms. These two offences are closely related and interwoven with youth image-based sexual abuse, therefore it is integral that we look for similarities to help inform our understanding.

### 2.2 Definitions

Child sexual abuse images have been defined by researchers as ‘a visual record of the sexual abuse of a child’ (Jutte, 2016, p. 9), or ‘the “conventional” (non-Internet related) sexual abuse of a child that is digitally recorded and distributed online’ with wider interpretations including ‘images produced online (e.g., captured screenshots during a chat) and images produced by youths themselves.’ (Martin and Slane, 2015, p. 262). However, ‘child sexual abuse images’ has not always been the chosen terminology; it is important to address this and – similar to other forms of violence and abuse – why accurate and appropriate terms are imperative.

Previously – and at times presently – the term ‘child pornography’ was regularly used in academic literature (Nair, 2019; Gillespie, 2018; ECPAT International, 2016; Akdeniz, 2008; Taylor and Quayle, 2003), however, there are contradictory and complex meanings associated with the terms ‘child’ and ‘pornography’ (Taylor and Quayle, 2003, p. 2). Nair argues that the use of the term ‘child pornography’, is ‘only made with the intention that it more accurately resonates with the existing legislation both nationally in many jurisdictions and internationally’ (2019, p. 14). A similar argument is made by Taylor and Quayle, who state that their choice to use the term ‘child pornography’ is ‘primarily because it has wide currency and in the current climate at least is the conventionally acceptable term’ (2003, p. 7), again a position adopted by Akdeniz (2008). Whilst academics have come to these conclusions and continue using the term in some spaces, they have too acknowledged the ‘inappropriateness’ (Taylor and Quayle, 2003, p. 7) and ‘controversial’ (Gillespie, 2018, p. 30) nature of ‘child pornography’.

Researchers looking into the non-consensual sharing of private imagery have noted similar concerns. Indeed, the term image-based sexual abuse was developed by McGlynn and Rackley as a more appropriate and precise alternative to colloquial phrases such as ‘revenge-porn’ (2017). From the outset, referring to these actions as ‘abuse’ ‘immediately and accurately conveys the significant harms that may occur and reflects the experiences of victim-survivors’ (McGlynn and Rackley, 2017, pp. 536-537), the same can be said for the adoption of ‘child sexual abuse images’ also. Reflecting on

the contradictory nature of colloquial terminology, it is worth highlighting specifically why including 'pornography' in definitions of abuse is problematic. McGlynn and Rackley have themselves noted that 'porn' tends to instil a sense of choice and legitimacy' (2017, p. 535), whilst recognising that this does not mean pornography itself cannot be abusive, rather the sensational use of the term misrepresents the harms of image-based sexual abuse (2017). Additionally, the Internet Watch Foundation have made similar comments pointing out the suggestion of consent that comes with 'pornography' as a term; 'child pornography, child porn and kiddie porn are not acceptable descriptions. A child cannot consent to their own abuse' (IWF, 2019). Certainly, the priority here should be to accurately define the abuse experienced and therefore 'pornography' is not appropriate.

Looking to legislative terminology, 'indecent photographs' is the language present in the *Protection of Children Act 1978*, however, the term 'indecent' in itself is problematic. The definition of 'indecent' is described as 'not following acceptable standards' (Soanes and Hawker, 2005, p. 513) with synonyms including 'dirty', 'salacious' and 'pornographic' (Waite, 2005, p. 430). Considering what is known about victims of child sexual abuse experiencing shame (MacGinley, et al. 2019), it is clear that language such as 'indecent' which implies that the indecency is of the individual's fault, is not accurate or suitable.

Whilst 'child pornography', 'indecent photographs' and 'child sexual abuse images', can be used to refer to a number of different actions, the same cannot be said for 'revenge-porn'. Utilising image-based sexual abuse allows for 'a broad range of abusive behaviours including the taking and/or distribution of nude or sexual images without consent, including threats to do so' (McGlynn, et al. 2019, p. 1) to be recognised as harmful. Further benefits to adopting the term image-based sexual abuse is that it no longer centres the perpetrator's actions – like 'revenge-porn' – which equally misrepresents reasons as to why someone might perpetrate (McGlynn and Rackley, 2016).

An additional significance of the concept of image-based sexual abuse is that it is situated within the continuum of sexual violence. Liz Kelly (1987) first developed the continuum of sexual violence, identifying 'the range of possible experiences within each form of sexual violence' (pp. 58-59) and through this establishing 'the experiences women have and how they are subjectively defined shade into and out of a given category such as sexual harassment' (1987, p. 48). This concept works to help victims recognise their harm as it 'allows for the fact that there are no clearly defined and discrete analytic categories into which women's experiences can be placed' (Kelly, 1987, p. 48). Recognising that image-based sexual abuse exists within the continuum of sexual violence allows us to identify that there are shared characteristics amongst different forms of gendered abuse (McGlynn, et al.

2017), rather than viewing these experiences as singular. Further to this, image-based sexual abuse itself has been described as ‘a continuum of practices’ (McGlynn, et al. 2017, p. 28), identifying that this form of abuse takes shape in more ways than one. Dropping the confines and using a continuum to identify forms of sexual violence moves away from the tendency ‘to concentrate on specific categories of activity, harm, or particular motives, often focussing on one particular example, only to find other forms of abuse excluded and ignored’ (McGlynn, et al. 2017, p. 28). Using a continuum approach allows for actions understood as image-based sexual abuse to be expanded on as well as victim’s experiences (McGlynn, et al. 2017), this is particularly pertinent due to the ever-developing manner in which technology is used to enable abuse.

Applying the concept of continuums, it is not the case that image-based sexual abuse and child sexual abuse images are isolated from each other, within these classifications additional actions have emerged, for instance ‘sexting’. ‘Sexting’, defined as ‘the exchange of sexually explicit photos, videos, and texts’ (Ringrose, et al. 2022, p. 1) can occur both within intimate relationships and casually (Setty, 2020). As digital technologies have developed over time so have the platforms in which ‘sexting’ takes place, research has evidenced how Blackberry Messenger and Facebook (Ringrose, et al. 2013; Ringrose, et al. 2012) were used and more recently Snapchat (Handyside and Ringrose, 2017). Whilst ‘sexting’ can and has been used to describe the consensual sharing of images amongst young people (Johnson and Dalton, 2021), there is also evidence of abuse and coercion being present (see Stanley, et al. 2018; Drouin, et al. 2015 and Wood, et al. 2015). Here we can see similarities with the definition and characteristics of image-based sexual abuse amongst adults, whereas the age specifics – with young people being considered those under the age of 18 (see section 7(6) the *Protection of Children Act 1978*) – and factors including added vulnerability, are shared with child sexual abuse images. It has also been addressed how some researchers now consider youth self-produced content as child sexual abuse images (see Martin and Slane, 2015).

Similar to how there have been criticisms of ‘pornography’ being adopted in violence and abuse terminology, ‘sexting’ appears equally inappropriate particularly as it groups both consensual and non-consensual actions together (Crofts, et al. 2015; Johnson and Dalton, 2012). Attempts have been made to address this, Wolak and Finkelhor for instance adopted the term ‘youth-produced sexual images’ to focus ‘on the most problematic forms of sexting’ (2011, p. 2). However, whilst their terminology moves beyond colloquial terms, there is still a need to better recognise some of these experiences as abusive. It is here where I see an opportunity to more accurately situate youth image-based sexual abuse within our current understanding of child sexual abuse images and image-based sexual abuse, both recognising that there are shared characteristics and using current knowledge to inform a more accurate definition of abusive behaviours.

### 2.2.1 What is an Indecent Image?

The *Protection of Children Act 1978* is the central piece of legislation regarding the criminalisation of ‘indecent photographs’ of children (Akdeniz, 2008). The act itself however does not legally define what ‘indecent’ or an ‘indecent photograph’ is, rather stating that the act of taking, permitting to take, distributing, possessing and publishing these images is illegal (see section 1 of the act). Consequently, there is a gaping hole or silence with regards to what exactly in an image makes it ‘indecent’ (Gillespie, 2018). This lack of clarity has also been acknowledged in arguments about Cyberflashing where researchers have questioned how ‘indecent’ is established and who decides this (McGlynn and Johnson, 2021). In this case ‘indecent’ has been thought to include nudity, which may be more concrete in cases of child sexual abuse images (McGlynn and Johnson, 2021), however without a tangible legal definition, the perception of what is ‘indecent’ can cover a range of actions all dependent and influenced by individual bias.

Gillespie (2018) has discussed this complication in depth suggesting that a test could be utilised to inform ‘indecent’. If images were considered in both an objective and subjective way this would identify whether the material in question is ‘indecent irrespective of what the person’s intention was’ or if the ‘motivation is a circumstance that should be taken into account in deciding whether it was, in fact, indecent’ (Gillespie, 2018, p. 39). Whilst these tests would account for action and intention with regards to indecent, criticisms have been raised in the past regarding the position that legislation puts individuals in to decide what is ‘indecent’. Adler has described this as the ‘paedophile gaze’ (2001) whereby images of children are scrutinised to ascertain whether they could be abused by an offender and consequently viewed in a sexual way, which the legislation is working to prohibit. This argument can however be critiqued by bringing in the feminist gaze or survivor gaze (Bray, 2009). Adler’s point does little to acknowledge how victim-survivors utilise their gaze, rather presuming that ‘a child sexual abuse survivor sees with the eyes of a paedophile’ (Bray, 2009, p. 184). Indeed, the legislation (*Protection of Children Act 1978*) may leave those in senior decision-making positions – which is unlikely to be victim-survivors (McGlynn and Johnson, 2021) – to conclude what is indecent, and subsequently side-lining the perspective of those who are directly experiencing the abuse.

Outside of legislation, indecent images have been measurably defined by the sentencing council. With the intention to provide information for courts, indecent images were divided up into categories: Category A includes images which depict penetrative sexual activity, sexual activity with an animal or sadism, Category B, non-penetrative sexual activity and Category C, images which do not fall into the latter two categories (Sentencing Council, 2022). Whilst these definitions assist

those who are giving out sentences, the inclusion of Category C possibly results in the same lack of specificity as the definition of ‘indecent’ in legislation.

Certainly, the decision to create a flexible understanding of what is ‘indecent’ could be to ‘reduce the threshold for criminal intervention’ (Gillespie, 2018, p. 36) and as a result enable officials to cast a wider net when deciding what is abusive and protect more children. However, as we have seen with arguments about the prohibition of Cyberflashing, the lack of precision can muddle how abuse is perceived by those in decision-making positions and the voices of those experiencing harm are not fully centred. With this being the case, even if there are critiques to be made of unclear legal confines, it is preferable that this legislation be in place to protect children – in whatever status – rather than not.

### **2.3 What Offences are Included?**

As mentioned, the *Protection of Children Act 1978* prohibits the taking, permitting to take, distribution, possession and publication of child sexual abuse images. Unlike the definition of the images in question, this legislation provides quite a clear outline of which actions are considered offences. Specifically, this would include the physical sexual abuse of a child which has been recorded and shared online and/or using the internet to share the content more widely (Martin and Alaggia, 2013), being in possession of a sexual image of someone under the age of 18, distributing sexual images of children through different online and internet facilitated platforms, taking sexual images of a child and making copies of a sexual image (Stop It Now, no date). With the addition of pseudo-photographs in the *Protection of Children Act 1978* (inserted through section 84(2)(a) of the *Criminal Justice and Courts Act 1994*), images being circulated now also include those which may have been computer generated or at least appear to be a photograph (see section 84(3)(7) of the *Criminal Justice and Courts Act 1994*). Therefore, sharing computer-generated child sexual abuse images will also be considered an offence.

Image-based sexual abuse accounts for numerous offences, most notably the non-consensual sharing of private sexual images – ‘typically this involves an ex-partner (usually a man) distributing private sexual pictures of their former partner (usually a woman) online’ (McGlynn and Rackley, 2017, p. 537). Voyeurism is another form – ‘the surreptitious viewing, and/or photographing or recording of images, of sexual or ‘private acts’ for the purposes of sexual gratification, where the perpetrator knows the other person does not consent to being observed for sexual gratification’ (McGlynn, et al. 2017, p. 31). Additionally, Upskirting – ‘the non-consensual taking of images of an individual’s pubic area underneath their outer clothing in public places’ (McGlynn, et al. 2017, p. 32) – alongside sexualised photoshopping – the ‘use of technology to alter videos or images to make

them sexual’ (McGlynn, et al. 2019, p. 2) – and sexual extortion – ‘perpetrators coerce individuals, often young people, into creating and/or sharing private sexual images, as well as deploying threats to force further image-creation’ (McGlynn, et al. 2017, p. 34). There are clearly a whole host of actions which can be considered image-based sexual abuse, with the confines likely to expand due to the continued development of technology and, consequently, the way in which it can be exploited for abusive purposes.

Situated amongst these offences are those that occur between young people. With the legal definition of a child being under 18 many different actions which would be considered ‘sexting’ and/or youth image-based sexual abuse could be recognised as child sexual abuse images, equally, the characteristics of harmful image-sharing amongst young people reflects the forms of image-based sexual abuse set out by the researchers cited above. With regards to youth image-based sexual abuse, researchers have identified different circumstances in which this abuse takes place. In an extensive review on gendered abuse in schools, Ringrose, et al. (2012) identified instances where, upon request, girls would write their boyfriends name on a part of their body – in one example a breast – and send a picture of this to their boyfriend, some of these images would then end up being uploaded to social media or circulated. Additionally, boys would request ‘bare’ pictures of girls – in a bra or cleavage – with some boys stating that had ‘up to 30 peer produced images of teenage girls on their phones’ (Ringrose, et al. 2012, p. 25). These examples resemble both the possession and distribution of child sexual abuse images and the non-consensual sharing of private sexual images. Particularly the tendency for this behaviour to take place between young people in intimate relationships, relates strongly to image-based sexual abuse.

Whilst young people’s self-generated images may initially be circulated amongst peers, there is evidence that these images are then accessed by older offenders. The Internet Watch Foundation themselves noted how there was an increase in the ‘online availability of self-generated sexual content featuring young people’ (Smith, 2013, p. 3). During their analysis they found that 88.15% of the images and videos assessed were present on ‘parasite websites’ (Smith, 2013, p. 6), which are specifically designed to host this content and usually take the images from the website or platform that they were originally hosted on (Smith, 2013). Here we have cases of youth image-based sexual abuse whereby images shared can enter wider circulation in incredibly harmful environments (Smith, 2013).

We can see that there are a range of offences covered by both the *Protection of Children Act 1978* as well as what can be encompassed under the term image-based sexual abuse. These actions may initially be somewhat separated through differing legislation and terminology, however there is

clearly a crossover in characteristics, as we can see from the examples in the Ringrose, et al. (2012) research. Indeed, framing youth image-based sexual abuse as an amalgamation of child sexual abuse images and image-based sexual abuse directly recognises these shared characteristics and speaks to Kelly's assessment of sexual violence, that experiences 'shade into and out of a given category' (1987, p. 48).

## **2.4 Legislation**

The *Protection of Children Act 1978* initially solely criminalised the taking and distribution of child sexual abuse images (section 1 (a)). Since then, it has been updated numerous times to account for more offences, such as possession, through section 160 of the *Criminal Justice Act 1988*, which has been described as a 'preventative measure for child abuse' (Akdeniz, 2008, p. 28). Additions were also made to reflect the impact that technology has had, such as the inclusion of pseudo-photographs (section 84(3)(7) of the *Criminal Justice and Courts Act 1994*). Alongside this, definition of a child was altered to 'bring it in line with international law' (Akdeniz, 2008, p. 19), substituting 16 for 18 (section 45(2) *Sexual Offences Act 2003*). Whilst it can be argued that there are more changes required for this piece of legislation to 'reflect the world as it is today' (Hales, 2018, p. 2), such as addressing the fact that 'sexting' is technically prohibited (Hales, 2018; Crofts, et al. 2015) – which will be discussed later on in this thesis – the *Protection of Children Act 1978* has been long established and gone through procedures of being revised, regardless of whether I believe it can be described as a sound piece of legislation. This is not the same for image-based sexual abuse legislation.

Currently, not all forms of image-based sexual abuse are prohibited by legislation in the UK. Researchers have described the response as being 'inconsistent, outdated and confusing', with victims being 'left to navigate this difficult legal terrain without support' (McGlynn, et al. 2019, p. 12). Specifically, disclosing private sexual images, was made illegal, after much campaigning, in 2015 under an amendment in the *Criminal Justice and Courts Act 2015* (section 33). It is stated that 'it is an offence for a person to disclose a private sexual photograph or film if the disclosure is made (a) without the consent of an individual who appears in the photograph or film, and (b) with the intention of causing that individual distress' (section 33(1)). The legislation too defines private as 'something that is not of a kind ordinarily seen in public' (section 35 (2)) and sexual as 'it shows all or part of an individual's exposed genitals or pubic area, it shows something that a reasonable person would consider to be sexual because of its nature, or, its content, taken as a whole, is such that a reasonable person would consider it to be sexual' (section 35 (3)). However, even with these definitions, the legislation has some considerable omissions. The *Criminal Justice and Courts Act*

2015 specifically accounts for image sharing where the perpetrator intended to cause distress to the victim, consequently, offences where images have been shared for 'sexual gratification, financial gain, group bonding or a 'laugh'' (McGlynn et al. 2019, p. 12) are not accounted for. Additionally, the threat of image-sharing or sexualised photoshopping are also discounted (McGlynn et al. 2019).

Similar concerns have been voiced about voyeurism, whereby it is an offence to observe someone who is taking part in a private act, unknowingly, without their consent, but only if the perpetrator is committing the offence for sexual gratification (section 67 *Sexual Offences Act 2003*). This offence, similar to 'indecent images', has gone through a process of being updated following the criminalisation of upskirting, as a result of the work of activist Gina Martin and her legal team (Hitchings-Hales, 2019). Upskirting can be described as an individual operating 'equipment beneath the clothing of another person' (section 67A (a) *Sexual Offences Act 2003*). It became an offence under the *Voyeurism (Offences) Act 2019*, amending the *Sexual Offences Act 2003* to include upskirting (section 67A). Although, whilst it is important to recognise the progression with this act now being criminalised, there are limitations again, with it only being considered an offence if the motivation was for sexual gratification or with the intention to cause distress (McGlynn, et al. 2019). Neither of these offences are considered if the motivations fall outside of these confines, such as the images being taken for humorous purposes (McGlynn, et al. 2019). Beyond the fact that many forms of image-based sexual abuse are not being recognised due to these omissions, victims experiences are being dismissed, or they are 'unable to bring their case within the remit of the criminal law' (McGlynn, et al. 2019). This can cause detrimental and added harm to many who are already trying to recover from abuse.

Following on from the campaigns to criminalise disclosing private sexual images and upskirting, there are currently attempts to more concretely prohibit cyberflashing in the law in England and Wales. Cyberflashing can be described as 'the sending of a penis image without consent' (McGlynn and Johnson, 2021, p. 14) and whilst it is not wholly omitted by legislation, it is most certainly unclear with barriers existing for victims seeking redress (McGlynn and Johnson, 2021). McGlynn and Johnson have described that there are 'several offences which could be utilised, each are beset by constraints and limitations' (2021, p. 85). A frustrating pattern is beginning to emerge with regards to image-based sexual abuse legislation; if criminalisation is achieved, it will likely come with restrictions regarding either the perpetrator's motivations or whether the abuse was threatened. Additionally, we are living in a time where technology is continually being exploited for abuse and yet legislation is either falling behind or falling short.



## **2.5 Prevalence**

Official crime statistics, published by the Office for National Statistics (2022), which relate to information collected from both police recorded crime and the Crime Survey for England and Wales, showed that Obscene Publications etc. and protected sexual material offences have slowly increased over the last five years:

**Table 1 Obscene Publications**

April 2016 – March 2017	April 2017 – March 2018	April 2018 – March 2019	April 2019 – March 2020	April 2020 – March 2021
18,860	23,232	25,182	26,824	31,746

Obscene publications specifically covers a range of offences both relating to child sexual abuse images and image-based sexual abuse. Specifically relating to the latter, this accounts for taking, making, distributing or publishing indecent images, disclosing private sexual images (Crown Prosecution Service, 2019). Whilst there are numerous other offences included within this category – such as the possession of an extreme pornographic images (Crown Prosecution Service, 2019) – it is interesting to note that there has been a continued increase in the number of these offences recorded, with a particularly sharp growth in 2021. It is possible that we are seeing the impact of technological developments and how these are being used in exploitative ways. Additionally, with the steep increase being recorded across 2020 and 2021, it is possible that there have been additional impacts due to Covid-19.

Specifically looking at child sexual abuse images, further information sourced from police statistics reveal that across the last five years over 100,000 crimes relating to these images have been recorded by the police (NSPCC, 2021a). The impact of Covid-19 has also been evidenced in these statistics with an 18% increase in offences during the first lockdown in 2020 (NSPCC, 2021a). Focusing in on the technological prevalence of child sexual abuse images, the Internet Watch Foundation noted in their annual report that there were 180 URL's hosted in the UK displaying child sexual abuse images, which is a 14% increase on the previous year (IWF, 2021). Regarding the content of the images, analysts reported that nearly half of all the images removed can be described as 'self-generated content' (IWF, 2021), which has been defined as 'nude or semi-nude images or videos created by a young person knowingly engaging in erotic or sexual activity' (Smith, 2013, p. 4). This finding draws a very clear connection between the youth digital intimacy, image-based sexual abuse and child sexual abuse images. Whether these images were initially taken consensually or not, there is the possibility for them to have been shared non-consensually and subsequently end up on,

what analysts have described as ‘parasite websites’, which are specifically ‘created for the purposes of displaying self-generated content where the content has apparently been harvested from the website it was originally uploaded to’ (Smith, 2013, p. 5). Examples such as the latter identify how and why it may be hard to assess the prevalence of individual offences, particularly when there is a clear crossover.

International research into the occurrence of image-based sexual abuse specifically found that one in five Australian’s had experienced some form of this abuse (Henry, et al. 2017), this is reinforced by further research from Australia where it was also reported by their participants that one in five had experienced image-based sexual abuse (Henry, et al. 2019). Amongst the image-based offences accounted for in the latter report, ‘nude or sexual images being taken of them [victims] without their consent’ (Henry, et al. 2019, p. 34) were found to be most common. A more recent review of research across Australia, New Zealand and the UK documented that one in three participants had experienced image-based sexual abuse (Henry, et al. 2021; Powell, et al. 2020). Much of the information here about prevalence has been gathered from research into this area which has actively acknowledged the extensive forms of image-based sexual abuse and perpetrator’s motivations. It is for this exact reason that it is difficult to source specific official statistics, many will be watered down with offences listed under different sub-headings – see table 1 above – in addition, offences may only be considered if the image and/or video is shared with the intention to cause distress. Furthermore, there are still limitations as to what forms of abuse are recognised as illegal under legislation in England and Wales. Overall, amongst child sexual abuse images and image-based sexual abuse, it appears that there has been an increase in these offences, with, at times, evidence of a cross over where young people’s experiences are starting to emerge.

## **2.6 Victims**

Previous research investigating the characteristics of victims of child sexual abuse imagery found, from a random sample of images submitted to the Child Exploitation and Online Protection Command (CEOP), that females were much more likely than males to be pictured in the images (80.9% in comparison to 20.1%) (Quayle and Jones, 2011). The latter has been reinforced in recent publications, with researchers stating that ‘a consistent finding is that girls are more likely than boys to experience OCSV [online child sexual victimisation]’ (May-Chahal and Kelly, 2020, p. 18). Similar results have been published by the Internet Watch Foundation. Demographic data collated identified that the sex of victims differs across different categories. Specifically, 11-13 year olds and 14-15 year olds were commonly present in category C images and were overwhelmingly likely to be girls, whereas children aged 10 or younger were predominantly pictures in category A and B images, with

the disparity between girls and boys being smaller, especially amongst babies and toddlers (IWF, 2020). Regarding self-generated content, victims were overwhelmingly likely to be female, accounting for 95% of cases (IWF, 2020). Other child sexual abuse images were also more likely to portray female victims, however the proportion became larger as age ranges increased, for example 0-2 year olds females were 51% of victims, 3-6 year olds 84% and 7-10 year olds 95% (IWF, 2020). It is initially interesting to note how the emergence of self-generated content has had a considerable impact on our understanding of victims of child sexual abuse images, both that these type of images specifically are gendered, and they account for a large percentage of child sexual abuse images assessed by the Internet Watch Foundation. Following this, looking at the sex of victims more widely, it appears that as the age of victims increases, the more likely it is that the image will be of a female and therefore these are too can be considered gendered cases. It has also been argued by researchers that the gendered nature of child sexual abuse images is likely to reflect the 'gender relations in wider society' (May-Chahal and Kelly, 2020, p. 18) and quite possibly be a facet of the wider context of exploitation and abuse towards young women and girls

Concerning the race and ethnicity of victims, Quayle and Jones noted in their study that images were much more likely to portray white children in comparison to non-white children (2011). More recently, following an assessment of child sexual abuse images seized by police in the UK, a similar conclusion was drawn with most children being white and female (Quayle, Jonsson, et al. 2018). However, these findings are not to suggest that predominantly victims of child sexual abuse imagery are white, rather it could be reflective of the population where either research data has been collected, images seized or demographics of offenders (May-Chahal and Palmer, 2018; Quayle and Jones, 2011). This conclusion may differ if we look internationally and consider how different factors can impact online child sexual exploitation. For instance, poverty is considered a catalyst for webcam or livestreamed child sexual abuse, which is then internationally traded (Brown, 2016). A doctor working in the child protection unit in the Philippines describes how children who live in slums would be hungry and seek food or shelter, they would then be offered 150 pesos by those operating live streamed abuse (Brown, 2016). Furthermore, it has been described that similar hardships, such as those experienced by migrants and refugees, may result in online child sexual exploitation as it is possibly the only way to earn money (May-Chahal and Palmer, 2018). Many of the offenders paying for such abuse are overseas (Brown, 2016), consequently, there is something to be said about how the victims are not always situated in the same demographic as the offender. With these examples we can see the impact of intersecting abuses of power, as well as the continued role that technology is having in the perpetration of online sexual abuse and violence

Looking into the gender of image-based sexual abuse victims, it has been reported in different publications that men and women describe similar levels of victimisation (Henry, et al. 2021; Henry, et al. 2019; Henry, et al. 2017), however, their gendered experiences are likely to differ, this can be the result of factors such as gendered double standards and victim blaming (Henry, et al. 2019). Following on from this, whilst it may be the case that studies have found a similar level of victimisation, it is important to clarify that image-based sexual abuse is still framed as a gendered offence with 'victim-survivors experiencing devastating harms because of the social and political context of the sexual double standard and online abuse of women' (McGlynn, et al. 2019, p. 1).

Differences in victimisation have been accounted for across various demographic categories. Research based in Australia found that participants from aboriginal communities, those disclosing a disability, lesbian, gay and bisexual individuals and those in a younger age bracket (16-19 and 20-29) were more likely to report experiencing image-based sexual abuse (Henry, et al. 2019). Similar findings have been echoed in more recently literature (see Henry, et al. 2021). Where research has analysed the experiences of those from minoritised communities more closely, there are noted differences amongst indigenous participants in comparison to Māori and BAME. Indigenous individuals were considerably more likely to report experiencing image-based sexual abuse (in comparison to non-indigenous participants) whereas whilst Māori and BAME respondents were also more likely to experience this form of abuse, the difference in rates were smaller (Henry, et al. 2021). Similar to many forms of sexual violence there is a need to understand how the intersections of someone's life can impact on their experiences, through this acknowledging that there are 'multiple structural inequalities that produce multiple relations of power and abuse' (Henry, et al. 2021, p. 38).

Comparing the victimisation of child sexual abuse images and image-based sexual abuse, findings from numerous studies suggest that there are gendered strands to both of these offences. With child sexual abuse images, it appears that the older the victims are, the more likely they are to be female, additionally, newly identified content, such as self-generated, have a particularly gendered element to them. With image-based sexual abuse, there are similar rates of victimisation reported by men and women, however, studies have identified the impact that gendered double standards and misogyny can have on the experiences of victims. Reflecting on the age of victims, if those in younger age brackets are more likely to report experiencing image-based sexual abuse and child abuse images trend towards becoming gendered as the age of victims increasing, it is worth contemplating how these findings collide and what does this mean for young people experiencing a form of image-based abuse.

## **2.7 Perpetrators**

A study investigating the traits of online child sexual abuse offenders and contact child sexual abuse offenders identified a number of differing characteristics. Online child sexual abuse offenders were less likely to have 'access' to children, but more likely to have internet access, they also demonstrated anti-social behaviours and were unlikely to a large friendship group or no friends at all (Babchishin, 2014). Further research noted that there is not necessarily a direct connection between the perpetrator and victim, additionally, due to the nature of the internet, victims and perpetrators can be located in completely different geographical locations (Centre of Expertise on Child Sexual Abuse, 2020). Looking further into the demographics of offenders, it has been stated that the majority of perpetrators of online child sexual abuse offences are male (May-Chahal and Kelly, 2020), with additional research suggesting they are 'younger than the contact offenders, more likely to be single and to have never been married' (Aslan and Edelman, 2014, p. 129).

Research investigating four males who had been convicted of creating indecent images produced detailed findings on the offender's experiences and motivations, all four were white males aged between 33 and 46 (Sheehan and Sullivan, 2010). Connections were made between formative experiences in youth including the use of pornography at a young age – whilst researchers stated that the link between consuming pornography in youth and sexually abusing children remained 'unclear' (Sheehan and Sullivan, 2010, p. 151). Additionally, offenders were described as legitimising the abuse, that victims were not being physically abused (Sheehan and Sullivan, 2010). Furthermore, power and control emerged as factors both with regards to 'control they felt over other offenders in that they had access to something others wanted', in addition to the control over victims (Sheehan and Sullivan, 2010, p. 162).

Regarding image-based sexual abuse, amongst a sample of Australian participants – aged between 16 and 49 – 1 in 10 reported having perpetrated a form of image-based sexual abuse, with males being more likely than females to 'self-disclose engaging in IBSA [image-based sexual abuse] perpetration behaviours' (Powell, et al. 2019, p. 399). Further research has too reinforced the latter, identifying that the majority of suspects are male (Henry, et al. 2021; McGlynn, et al, 2019; Henry, et al. 2017), with some stating that men were 'almost twice as likely to report having engaged with each [image-based sexual abuse] behaviour' (Henry, et al. 2021, p. 70). Looking across different demographics, Henry, et al. (2021) described that there were higher rates of image-based sexual abuse perpetration amongst LBG+ and racial minority communities, although the researchers stressed that this may be reflective of a higher rate of victimisation amongst these communities and required more detailed investigation.

Research with victim-survivors of image-based sexual abuse found that there are numerous motivations behind perpetration – as opposed to what is included in legislation. These include ‘control, attention seeking, jealousy, obsession, misogyny and lad culture, sexual gratification, a ‘prank’, distress, humiliation, entitlement, and to build up social capital’ (McGlynn, et al. 2019, p. 4). The range of factors described in the research evidence how image-based sexual abuse perpetration extends beyond what is commonly perceived to ‘revenge’ (Henry, et al. 2021). This somewhat mirrors our wider understanding of the perpetration of violence against women where the foundation of the abuse is largely systemic misogyny and sexism (Westmarland, 2015).

Regarding young people, Naezer and Van Oosterhout investigated motivations for sharing images non-consensually (through interviews with young Dutch victims, perpetrators and bystanders) and found an array of different themes, some of which mirror wider image-based sexual research. These included revenge – however this was not limited to an ex-partner – ‘also in fights between (former) friends’ (2021, p. 83), tension; ‘“You’re in shock and you want to show it to others: Look what I got” (girl, 17, perpetrator)’ (2021, p. 83), learning about sexuality; ‘to be able to discuss the topic of sexting with his friend and to hear about this friends’ opinions and experiences’ (2021, p. 84), regulation; ‘several perpetrators, especially girls, explained how they wanted to “teach” girls not to participate in sexting’ (2021, p. 84) and finally to gain popularity. These findings demonstrate how wide-ranging motivations can be, with some arguably specific to youth culture, such as wanting to discuss the topic with friends.

There are some shared themes amongst those perpetrating offences relating to child sexual abuse images and image-based sexual abuse. Specifically power and control – whilst at times this was directed at other offenders – seems to be interwoven with these abuses. Additionally, with regards to image-based sexual abuse and young people sharing images, there are considerable similarities amongst motivations, especially those which are embedded in a wider culture of sexism and misogyny.

## **2.8 Harms**

Martin and Slane identify two significant characteristics of child sexual abuse images which are beyond the content of the actual imagery; ‘their online accessibility and potential permanence’ (2015, p. 262), these are key themes to contemplate when assessing the significant harms of child abuse imagery and abusive imagery more widely. Reflecting on the latter, additional to the harms of child sexual abuse (see Foster and Hagedorn, 2014), research involving practitioners identified a significant difference between contact sexual abuse and child sexual abuse images: ‘the online images transformed the sexual abuse of the child from being a “secret” to being permanently in the

public domain of the internet' (Martin, 2014, p. 104). It is interesting to frame the online facet of this abuse as transformative to the scope that abuse can be viewed, this however extends beyond other perpetrators. Concerns were raised about the child unintentionally or deliberately being confronted with images documenting their abuse, whether this be the result of searching themselves, or others (Martin, 2014). Similar conclusions were made by the Internet Watch Foundation: 'time really matters. The longer an image stays live, the more opportunity there is for offenders to view and share it, and more damage is caused to victims' (IWF, 2020, p. 68).

Stepping back to focus on the individual harms children and young people can experience, many are shared between those experiencing contact abuse and online abuse. The NSPCC (no date a) describe that effects of child sexual exploitation can include difficulty building trust, becoming isolated, struggling with education and mental health problems. Additionally, online abuse has been described as leading to anxiety, self-harm, eating disorders and suicidal tendencies (NSPCC, no date b).

Researchers have recently taken a phenomenological approach to highlighting the harm caused by image-based sexual abuse, this method 'better captures the totality, extent and diversity of harms experienced' (McGlynn, et al. 2021, p. 547), its use recognises 'the holistic experiences of an embodied, subjective self' (McGlynn, et al. 2021, p. 546). The same approach has been previously used to explain the harms of sexual harassment and everyday experiences with researchers stating that 'a phenomenological approach to sexual violence is orientated around the ways it forms a fundamental disruption of one's being-in-the-world' (Vera-Gray and Fileborn, 2018, p. 85). This method of understanding sexual violence does well to recognise the experiences of victim-survivors beyond medical conclusions (McGlynn, et al. 2021) whilst acknowledging the harms that cannot be articulated (Vera-Gray and Fileborn, 2018).

Studies including the voices of victim-survivors have worked to identify the holistic harms of image-based sexual abuse, identifying the extent that the abuse can impact on a person's livelihood and existence. 'Social rupture' described how harms were 'all-encompassing and pervasive, radically altering their everyday life experiences, relationships and activities, and causing harms which permeated their personal, professional and digital social worlds (McGlynn, et al. 2019, p. 6, see also McGlynn, et al. 2021). The term 'constancy' has been used to reflect the 'continuing nature of the abuse itself' (McGlynn, et al. 2021, p. 552, see also McGlynn, et al. 2019), this has been recently described by actress Jennifer Lawrence, who's private images were stolen in 2014 (Valby, 2021), when she stated that that 'my trauma will exist forever' (Valby, 2021). Victim-survivors were also plagued by fear of further abuse, which has been described as 'existential threat' (McGlynn, et al.

2021) which left individuals ‘feeling they needed to be perpetually vigilant, ready to take actions should the threat materialise’ (McGlynn, et al. 2021, p. 553). Isolation is another harm that victim-survivors experience: ‘image-based sexual abuse can shatter connections with others’ (McGlynn, et al. 2019, p. 8), this manifests in isolation from close relations, including family and friends, but also from social media, with additional impacts on victim-survivors trust in others (McGlynn, et al. 2021; McGlynn, et al. 2019). ‘Constrained liberty’ has also been identified as an additional harm, researchers note that victim-survivors report ‘experiencing a sense of jeopardy, distrust and wariness of men which permeated their experiences in public spaces, as well as their broader experience of the world in which they are situated’ (McGlynn, et al. 2021, p. 555), this inevitably impacts on how they feel they can move around in the world, there they feel safe and even their sense of belonging (McGlynn, et al. 2021).

Whilst the terms listed previously help us understand the nature of harms experienced due to image-based sexual abuse, they have not been identified to be deterministic, rather the researchers are ‘arguing for the importance of recognising fluidity of such experiences across time and space, and the ways they are both connected to and distinct from other forms of sexual violence and inequality’ (McGlynn, et al. 2021, p. 557). I believe this is an integral point to make when discussing the harms of sexual violence, considering people’s intersectional lives and experiences it is likely that responses to violence and abuse will manifest in different ways, we cannot reduce these to the confines of specific terminology. As is pointed out in this literature, individual’s experiences are ‘located within a particular time, space and context’ (McGlynn, et al. 2021, p. 557).

The permanence of online abuse is a significant commonality between the harm of child sexual abuse images and image-based sexual abuse. This points to the additional impacts that can be experienced by victims due to the online environment being a facet, or the entire base, of the abuse. I would also argued that the ‘social rupture’ identified by McGlynn, et al. (2019), is likely to mirror the harms that young people experience as a result of child sexual abuse. The factors described previously were not isolated to one aspect of their lives, rather, anxiety, isolation and struggles in school – to name a few – are all encompassing. With this in mind, whilst the context and specific experiences of victims of image-based sexual abuse and child sexual abuse images may differ, the harms demonstrate some overlap.

## **2.9 Wider Context of Image-Based Sexual Abuse**

Research has identified the role that technology plays in violent and abusive relationships, both enabling abuse through stalking for example (Dragiewicz, et al. 2018; Henry and Powell, 2016), but also acting as a platform for new forms of abuse and control, such as doxxing (Dragiewicz, et al.



2018), there have even been instances of perpetrators using online delivery services such as Just Eat to track down victims (Fenton, 2020). Consequently, it is unsurprising that evidence points to image-based sexual abuse possibly being a feature of wider abuse.

It has been reported that 64% of victims of image-based sexual abuse experienced more than one form of abuse, including the non-consensual sharing of images, non-consensual taking of images and threats to do so (Henry, et al. 2021). Henry et al. (2021) too found that 'participants reported not only multiple experiences of image-based sexual abuse by the same perpetrator or by multiple perpetrators, but also multiple experiences of sexual violence, domestic violence, stalking and sexual harassment – in both online and offline settings' (Henry, et al. 2021, p. 21). This abuse has the potential to be a feature of abusive relationships, evidenced by reports that image-based sexual abuse is commonly experienced within a current or previous intimate relationship (McGlynn, et al. 2019; Powell, et al. 2019). Specifically, the majority of participants were victimised by a current or previous partner, whereas other perpetrators included friends/acquaintances, family members, strangers, or work colleagues (Henry, et al. 2021).

With image-based sexual abuse amongst adults being framed as a feature of wider abuse, it is worth exploring whether there is also a wider context regarding young people's experiences. Researchers have identified harmful abusive practices amongst young people which are enabled through technology. Incidents include 'checking the whereabouts of a partner, demanding something online, using information online against a partner' (Barter, et al. 2017, p. 376) as well as the threat to distribute private images (Barter, et al. 2017). Research based in the United States, exploring the role of 'sexting' – referring to images and messages – and coercion in relationships, found that, of a sample with an average age of 20.6 years, approximately 'one in five participants reported having sexted when they did not really want to (Drouin, et al. 2015, p. 200). Alongside this, 'for the sample as a whole, sexting coercion was nearly as common as physical sex coercion, and the coercive tactics used were quite similar' (Drouin, et al. 2015, p. 202), the researchers later stated that 'partner coercive behaviour related to sexting should be considered a form or manifestation of intimate partner aggression' (Drouin, et al. 2015, p. 203). Further research carried out across Bulgaria, England, Cyprus, Italy and Norway found that, amongst 14 to 17 year olds in all countries, 'it was evident that those who reported experiencing some form of IPVA [interpersonal violence and abuse] were at least twice as likely to have sent or received a sexual image as those who were not victimised', furthermore, 'over a quarter of girls in England who had sent a sexual image had been pressured by a partner to do so and almost half had done so to prove their commitment' (Wood, et al. 2015, p. 159). Whilst much of this research is exploring 'sexting' as a practice and possible harms, rather than exploring the individual actions that are subsumed under this term, there is considerable

evidence that, similar to image-based sexual abuse, harmful 'sexting' practices can be a component of wider patterns of abuse.

Further to abuse within, or in close proximity to, intimate relationships, child sexual abuse images have too be connected to wider forms of abuse. Researchers have suggested that child sexual abuse image are an aspect of physical child sexual abuse (Martin and Alaggia, 2013). It is possible that with more forms of child sexual abuse taking place online – such as livestreamed abuse – the internet has now become a significant component, particularly with increased accessibility (Martin and Alaggia, 2013). Similar to how technology has extended the confines of domestic abuse and enabled differing forms to be perpetrated, there are comparable changes being witnessed across different forms of abuse. Indeed, we are further observing the degree to which image-based sexual abuse, child sexual abuse images and 'sexting' are interconnected. Specifically, the connecting factor is their association to wider forms of abuse, highlighting the importance of recognising context in these offences, rather than viewing them as individual instances.

### **2.10 Informing Youth Image-Based Sexual Abuse**

Throughout this chapter I have been exploring the extent and nature of child sexual abuse images and image-based sexual abuse amongst adults, identifying any shared characteristics which can be utilised to better our understanding of youth image-based sexual abuse. Acknowledging that there are commonalities between forms of sexual abuse and violence takes us back to Kelly's continuum of sexual violence (1979). Seemingly separate offences can be closely linked and at times flow in and out of each other. It is with this thinking that I propose that youth image-based sexual abuse is situated and flows between child sexual abuse images and image-based sexual abuse.

Whilst at times 'sexting' and child sexual abuse images have been conflated (Martin and Slane, 2015), particularly with self-generated content now being shared widely amongst those who perpetrate offences associated with child sexual abuse images, I believe there is a need to more clearly distinguish between the two. Additionally, 'sexting' does not fully acknowledge the possible complexities that young people experience, which are more likely to be reflective of research into image-based sexual abuse. However, research into image-based sexual abuse may not fully recognise the specific vulnerabilities that young people will experience as a result of images being shared non-consensually. Additionally, there are likely to be safeguarding factors to be considered with young people that are not necessarily always the case for adult victims. However, even with these individual differences, there is still much to be learnt from drawing comparisons and recognising how these offences can shade in and out of each other (Kelly, 1987) as well as overlap (May-Chahal and Kelly, 2020).

Employing continuum thinking (Boyle, 2019) and specifically working to understand the 'linkages between child and women abuse' (Boyle, 2019, p. 26), I believe situating child sexual abuse images, youth image-based sexual abuse and image-based sexual abuse as related and yet possessing individual differences, allows us to prevent abuse from being conflated and diluted. Rather it provides a space for youth image-based sexual abuse to be both holistically understood in itself, and as a facet of violence against women and girls.

### **2.11 Summary**

This chapter contains a brief breakdown of the features of child sexual abuse images and image-based sexual abuse, including the prevalence, information about victims and perpetrators and harms. The objective here was to explore how literature and scholarship concerning these forms of abuse can be used as a foundation to understand and inform youth image-based sexual abuse. Looking to other literature on forms of gender-based violence can help us develop our knowledge as well as recognising the relationship between different forms of violence and abuse.

## Chapter 3: Policing

### **3.1 Introduction**

Policing is also particularly relevant to the overall concept of this thesis. In this chapter the history of policing and transition to policing online crime will be explored before delving into how child sexual abuse images, sexual violence, and online sexual harassment are policed. Many of the themes explored in this chapter will speak to the climate of policing youth image-based sexual abuse including resource constraints and distrust in the police's ability to adequately respond to sexual violence.

### **3.2 History of Policing and Online Crime**

The Metropolitan Police Act 1829 signalled the creation of the police (Lister, 2009), this was enacted by Sir Robert Peel, who intended the police to be 'centrally, controlled, uniformed watchmen with a rigid work discipline geared for supervising the streets and, in theory, for preventing rather than detecting crime' (Newburn, 2008, p. 73). Methods chosen to pursue their purpose included 'regular patrolling of [their] beat and the careful checking of doors and windows' (Newburn, 2008, p. 74). Whilst the functions of the police in 1829 are rather outdated now, it is necessary to include this overview as it determines the background from which the police developed.

The police Peel established have also been referred to on other occasions as 'public police', 'managing the present to maintain local order and investigating past events to enforce laws' (Wall, 2007, p. 161). These characteristics can still be seen in police today, with 'their responsive and localized nature' (Wall, 2007, p. 159), and the tendency to 'deal with routine matters' (Wall, 2007, p. 161). With this in mind, it needs to be questioned whether these features can be translated into cases where the internet and technology are involved? Arguably no, since the inherent nature of online crimes, specifically regarding the scale and reach, are understandably far from the 'daily police crime diet' (Wall, 2007, p. 160). As a result, 'cybercrimes, challenge, if not contradict, the traditional Peelian policing paradigm' (Wall, 2007, p. 161).

Aside from online crimes causing a rift in the foundation on which the police were built, Jewkes and Andrews concisely note that 'the sheer size and scope of the internet, the volume of electronic traffic it facilitates, the varying legal responses to cybercrime in different countries and other interjurisdictional difficulties combine to ensure that the police feel they remain in a perpetual game of 'catch-up'' (2005, p. 48). Not only therefore are policing functions anchored to an out-of-date mandate, but the framework from which they operate has been created off-the-back of arguably

archaic legislation. For this reason, it is no surprise that they are seemingly in a struggle to manage the response to many forms of online crime.

External to the organisation itself, the police also fall victim to the influence of the political and social agenda; 'policing priorities remain polarized with increasing pressure on national and international agencies to respond to the threat of global terrorism' (Jewkes and Andrews, 2005, pp. 50-51). It is an unfortunate case that the police are predestined to have arguably little autonomy with regards to the large-scale crimes which they must be focused on, but '9/11 and other spectacular attacks have catapulted terrorism to the forefront of public consciousness' (Walsh, 2017, p. 644), and as a result, there is likely to be a constant fear of the imminent danger – especially considering the current threat level in the UK is 'substantial' (GOV.UK, 2022) – which will detract attention from online crimes for example which are less digestible due to their technological features (Jenkins, 2009).

From an organisational and operational perspective, the police have historically been structured in a local manner, 'whereas cybercrimes are globalized' (Wall, 2007, p. 160). Taking a specific example, the workload of forensic examiners has multiplied; for certain criminals, 'the internet has created a transnational environment with entirely new opportunities' (Jewkes and Yar, 2010, p. 96), and whilst this is occurring, examiners will feel added pressure on-top of an already 'time-consuming' task (Jewkes and Andrews, 2005, p. 51). The innately local nature of policing has not prepared individuals, such as forensics, for the growth in workload that comes with online crimes. There are however examples of police responding to 'cross-border criminality', such as the formation of the UK's Serious Organised Crime Agency and the National Hi-Tech Crime Unit (Jewkes and Yar, 2010, p. 57). Although, whilst it is promising to note that there have been steps in the right direction, the policing of online crime, judging by the latter evidence, requires innovation on more than one front.

It is worth acknowledging the impact that austerity and a lack of funding has had on the police's ability to acquire the expertise and personnel required to effectively police online crime and the online environment. Researchers have described that measures of austerity have 'resulted not only in tightened discretionary spending but also in reduced departmental budgets and workforce sizes, consequently impacting on workloads, professional standards, and on collaborative working practices' (Mann, et al. 2020, p. 639). Focusing specifically on these impacts, the police's workload for instance is now inclusive of wider issues, such as emergency mental health responses (Mann, et al. 2020), as a result, the amount of time the police can dedicate to proactively detecting online crime is curtailed. Furthermore, investment in specialist skills has been significantly reduced (Mann, et al. 2020) which directly impacts on online crime; 'practitioners must acquire 'data literacy' in order to be equipped with the tools, methodologies, capacities, and information necessary to shine

a light on the challenges of responding to technologically facilitated sexual offending' (Mann, et al. 2020, p. 640). Considering the latter and the funding constraints experienced by the police, it is likely that there will be a knock-on effect with regards to the police's technological capabilities.

Holistically, policing is under extreme pressure as it stands, however, funding cuts pose difficulties for policing online crime, including the necessity for specialist expertise, which will be compounded when factoring in wider influences such as political budgetary decisions that may preference particular types of crim such as terrorism.

Overall, the policing landscape has significantly shifted over the last few decades, this relates to both the physical environment and the nature of policing itself, with there being movement away from the Peelian functions. Online crime requires a different style of policing, alongside requiring different resources. A number of factors collide in this respect and impact on the police's ability to effectively prevent and respond to online crimes. Together, these issues amass to the foundation that the police are working from, all of which have an impact on technologically facilitated sexual violence.

### **3.3 Police Discretion**

Discretion is a fundamental theme in policing, it is key to understanding the decisions that the police make as well as the possible consequences incurred (Cockcroft, 2013). Discretion in practice also 'represents the measure by which we differentiate between the law as it stands in theory and the law as it is applied by police officers' (Cockcroft, 2013, p. 18). Discretion holds significance for researchers as it helps us understand police actions as well as what the wider influences of these actions may be. However, discretion is also highly regarded by police officers 'who have traditionally valued discretion as an emblem of their professionalism' (Cockcroft, 2013, p. 46). The latter distinction between researcher's perspective on discretion and police's perspective on discretion is worth holding onto, whilst researchers can analyse and assess how the police are informing their decisions, the police are likely to have differing perspectives of the importance of discretion to policing.

Considering the application of police discretion, it can be seen as amounting to 'a degree of freedom in the face of complex and fluid situations and environments that constitute the social world of policing' (Cockcroft, 2013, p. 48). The degree of freedom however does not result in discretion being utilised fairly or in a consistent manner. A core characteristic of discretion is that it 'is shaped by variables of class, race, gender, and age, which results in some segments of society receiving a different response from the police than others' (Lister, 2009, p. 49). This is arguably reflective of and informed by policing more widely, whereby marginalised communities are more likely to experience higher rates of police presence in their lives (Cockcroft, 2013). Furthermore, the tendency to over-

police communities is evidenced by stop and search statistics. For 2021, Black people were more than seven times more likely to be stopped by the police than white people (Agnew-Pauley, et al. 2021), something which is likely to have been influenced by police discretion. In addition to marginalised communities, previous research into police discretion and young people noted that 'police officers do differ in their behaviour towards young offenders in ways that are not particularly consistent' (Parker and Sarre, 2008, p. 482).

Whilst the above gives us a general introduction to police discretion, the criticisms and why it is of interest to researchers, it is important to focus in on how discretion manifests in cases of sexual violence. Encompassing what has been discussed so far, the 'police use their wide discretionary powers to establish whether an incident is 'criminal' or warrants investigation' (Artz and Smythe, 2007, p. 176). Allowing the police to wield this level of power is particularly problematic for gendered offences. Myhill and Johnson touched upon the latter noting that there were 'problems posed by the interaction of police discretion and the uniformed, sexist attitudes of officers' (2016, p. 4), further stating that policing culture may negatively impact on police responses to domestic violence (2016). If the police's internalised sexism can shape how their discretion is used by, for instance, deciding which cases are worth pursuing, this can have a further impact on victims of sexual violence. Those victims who choose to report their experiences are left vulnerable to police perception of what is real abuse or real violence, this may leave individuals questioning themselves, rather than the police reaffirming their trauma and having an understanding that sexual violence occurs on a spectrum which can manifest in many different forms (Kelly, 1987). Previous research has documented these negative experiences; police officers were described as both 'questioning' the victim's account of events and 'lectured' them in response about their behaviour (Greeson, et al. 2016), additionally, victims 'described being treated with scepticism and disbelief about their stories and blame and judgement for their behaviour' (Greeson, et al. 2016, p. 96).

Concerns about the application of discretion have been acknowledged but this unfortunately does not rule out its use. Myhill and Johnson have argued that discretion is necessary in cases of domestic violence due to interpretations of the definition and especially with the inclusion of coercive control (2016). Consequently, whilst concerns can be voiced about the power given to the police to decide what is and is not an offence, as well as how the offence should be dealt with, malleable legal definitions provide space for police officers to employ their discretion.

'Sexting', which can be conflated with youth image-based sexual abuse, has been described as requiring police discretion to navigate cases (Crofts, et al. 2015). This holds much similarity to policing domestic abuse as both 'sexting' and youth image-based sexual abuse can account for many

different actions, therefore, police will rely on their discretion to decipher which cases need pursuing. With the police using discretion to identify which actions are harmful or criminal, they take on an interesting position one which allows them to make moral decisions about consensual and non-consensual behaviour. Johnson and Dalton have likened this to the police being moral enforcers, stating that 'the law actively requires criminal justice practitioners to engage in moral arbitration around certain activities and this, inevitably, involves police officers making moral judgements' (2012, p. 32). Specifically taking into account 'sexting' and youth image-based sexual abuse, it is the police's decision which defines what behaviours are criminal, this may however get caught up in wider social narratives on young people's sexual autonomy; 'the law demands a form of enforcement that reflects the moral principles of 'ordinary' people and police officers, as proxy 'ordinary people', are the barometers through which moral standards of the community are measured' (Johnson and Dalton, 2012, p. 35). In response to this, it is possible that young people's sexual autonomy will be overly policed in line with the public and specifically adult's perspectives on what behaviour is appropriate. Similar to what has been referenced on sexual violence as a whole, the police are defining abuse, yet this provides them with the ability to both deny people's experiences as well as conflate numerous different experiences as criminal.

Police discretion as a whole holds a lot of influence over how communities encounter the police, which cases are taken forward and what behaviours are considered criminal. When we look at police discretion and gender-based or sexual violence, there is a particularly harmful manner that discretion can be employed, informed by and mirroring wider sexist narratives. It is possible that similar concerns may be present when police officers identify what image-sharing behaviours amongst young people are criminal, these decisions may too be informed by gendered stereotypes.

### **3.4 Are the Police Institutionally Sexist?**

Considering the content explored so far, it is important to establish what the current perceptions of the police are. Following on from a year where a serving Metropolitan police officer kidnapped and murdered Sarah Everard, the disappearance of Bibaa Henry and Nicole Smallman was dealt with disrespectfully by police officers, including officers taking a picture of their bodies, with the additional murders of a Sabina Nessa, Zara Aleena and Ashling Murphy, there are unsurprisingly concerns being voiced about the police's ability to respond to gender-based violence and abuse. Numerous articles document these concerns, whether it's about sexism within the police force (see The Guardian 'Breaking up the boys' club: how sexism still damages the police), former police employees describing a negative culture (see BBC 'Toxic culture of sexism' in the police, says former police chief) or questioning whether misogyny is widespread in the Metropolitan police (see Evening



Standard Sarah Everard murder: 'Misogyny and widespread sexism' within the Met). The reality is that the police's ability to effectively prevent and respond to violence against women is being questioned.

With the recent reports of racism and sexism levelled at the police and criminal justice system with regards to their treatment of women (see the BBC documentary *Two Daughters with Mina Smallman*), it would be dismissive of me to not acknowledge the possible impact this will have on young people and women more widely regarding their help-seeking options. Whilst this is not fully reflective in my conversations with participants, due to the interviews taking place prior to the women mentioned losing their lives, it is important to recognise the ever-developing public perception of the police. Currently, I would argue that a shift is occurring and many victim-survivors and/or bystanders will be questioning whether policing, as an institution, is a suitable and effective way to combat violence against women.

### **3.5 Policing Sexual Violence**

When approaching a research topic which concerns the policing of gendered abuse it is worth exploring the context of how gendered violence itself is policed and the concerns raised in response. Hohl and Stanko have previously stated that 'rape is an iconic offence in the measure of women's equality in society' (2015, p. 325), furthermore, criticisms of police responses to rape victim-survivors have been written about for a considerable amount of time, with literature documenting activist critiques in the 1970's and 1980's (Jordan, 2001; Temkin, 1997), acknowledging the experience of reporting to the police as 'a second victimization' (Jordan, 2001, p. 679). For this reason, I have chosen to dissect the current landscape of how rape in particular is responded to by police and the criminal justice system whilst also reflecting on the considerable number of criticisms.

A clear way to identify the police's position is as 'critical gatekeepers of the criminal justice system' (Hohl and Stanko, 2015, p. 327). This is due to the police being the 'first point of contact with the criminal justice process for women who have been raped and seek formal justice' (Hohl and Stanko, 2015, p. 327). The importance of this moment for victim-survivors cannot be underestimated, they have chosen to include the police in their help-seeking journey and therefore invested faith in their ability to appropriately respond to the offence and provide support. Unfortunately it is at this point where research has identified 'the largest numbers of reported rape cases fall out of the system' (Kelly, 2001, p. 17). As described by Hohl and Stanko, 'the tentative trust required to report the rape is quickly lost when police officers communicate disbelief and disrespect or when the victim loses faith in the police to effectively investigate the case' (2015, p. 327). Similar conclusions have been previously documented by Temkin, who explains that 'women could expect to be interrogated as if

they themselves were the perpetrators rather than the victims of crime' (1997, p. 508). Alarming, based on the findings of the latter research projects, the concerns about victim-survivors being disbelieved has effectively been evidenced within the police for nearly two decades.

The foundation of distrust in victim-survivors by the police is arguably derived from the prominent harmful perceptions of what sexual violence is. It has been evidenced that rape myths and gendered stereotypes impact on police decision making during rape cases, this is inclusive of the perception of the victim as a 'respectable woman', whether they consumed alcohol, previous sexual contact with the perpetrator and mental health problems (Hohl and Stanko, 2015). All of these themes substantiate the lack of understanding police have, or how misconceptions have been internalised, which in turn does not provide a safe space for victim-survivors. Similar themes are present across the criminal justice system also, this will be re-visited later.

The latter evidence does not however suggest that holistically the police are always perceived negatively by victims, research has established that 'most victims were pleased with their first encounter with police' (Temkin, 1997, p. 513, see also Jordan, 2004). However, Temkin also noted that even with a majority of rape victim-survivors who participated in the research reporting that their experience with the police was positive, 43% felt the opposite (1997). A recent review into victim-survivors experiences of the police and criminal justice system unfortunately echoes several concerns described. Many survivors expressed that their experience of reporting had in fact worsened their perception of the police to the point where they regretted initially reporting and would discourage other victim-survivors from choosing the same route (HMICFRS, 2021). It is clearly evident that these pleasant encounters with the police are inconsistent (Temkin, 1997).

As mentioned, similar criticisms are also levelled against other institutions within the criminal justice system. The Crown Prosecution Service themselves can be dismissive of the pursuit of justice for victim-survivors of rape. Many referred cases end up being closed with no further action taken as they are considered to lack convincing evidence or do not pass the public interest test (Hohl and Stanko, 2015). It has been argued that, due to the influence of rape myths and harmful stereotypes, cases perceived to be 'real rape' are more likely to be pursued within the criminal justice system (Hohl and Stanko, 2015). These cases are identified where the rape is perpetrated by a stranger, outdoors, using force and is met by resistance (Du Mont, et al. 2003). The promotion of the latter cases then feeds into rape myths and stereotypes which results in a 'self-perpetuating cycle' (Hohl and Stanko, 2015, p. 336).

The low prosecution rates of rape cases – arguably somewhat fuelled by harmful stereotypes – have been criticised regularly (Hohl and Stanko, 2015). Recently, these concerns led to a legal challenge

being raised against the Crown Prosecution Service by the Centre for Women's Justice and End Violence Against Women (Centre for Women's Justice, 2020a) following evidence that rape charges, prosecutions and convictions are at the lowest in over a decade (Barr and Bowcott, 2019). The challenge was unfortunately dismissed (Barr, 2021), however, perceptions of how considerably low the prosecutions are has led to organisations describing the situation as the decriminalisation of rape (see CWJ, End Violence Against Women, Imkaan and Rape Crisis, 2020).

In addition to low prosecution rates, one of the most significant and consistent criticisms of how rape is responded to in the legal system is the use of sexual history as evidence, this has been described as distinguishing 'rape trials from almost all other criminal cases' (Kelly, 2001, p. 33). McGlynn argues that the inclusion of sexual history as evidence 'is most controversially introduced to support inferences of consent and/or to challenge credibility' (2017, p. 369) which are apparent themes across the criminal justice system as mentioned earlier with police officers openly disbelieving victim-survivors and questioning their behaviour. McGlynn additionally identifies that there are a number of reasons for curbing the use of sexual history as evidence, including making the report process more appealing, however it is still quite commonly used with the article citing R v Ched Evans (2017). Further to the use of sexual history as evidence, research exploring the multi-faceted nature of justice for victim-survivors, examined other reasons why the criminal justice system is arguably unappealing. Themes arose around the positionality of victim-survivors in their own cases, that prosecutors and police would not be in regular contact leaving victim-survivors feeling unimportant, alongside this, there was a sense of having a lack of control over decisions made during investigations and beyond (McGlynn and Westmarland, 2019).

Viewing this section holistically, it is clear that rape victim-survivors encounter numerous reasons to be discouraged from including the police and criminal justice system as part of their help-seeking. With the possibility of being questioned like a suspect, having their personal information used against them in the court process – if the case reaches that stage – to being side-lined in an investigation, the criminal justice system does not paint itself as a source of support for victim-survivors. I believe Hohl and Stanko sum up the bleak situation clearly: 'most rapes are never reported to the police and, of those reported, only a minority result in a conviction' (2015, p. 324).

### **3.6 Policing Child Sexual Abuse Images**

The Child Exploitation and Online Protection Command (CEOP), based within the National Crime Agency (NCA), is the overarching organisation responsible for directing procedures against child sexual abuse, including the spread of child sexual abuse imagery (House of Commons Home Affairs Committee, 2018). They themselves are tasked with cases which require a more large-scale

response, including 'cases covering multiple force areas', or 'those in which there are indications of an organised criminal network involved' (House of Commons Home Affairs Committee, 2018, p. 35). The cases remaining will be distributed to the relevant local police forces (House of Commons Home Affairs Committee, 2018). Whilst the latter depicts a clear breakdown of the process during which case dissemination takes place, comparable to online crimes, specific tensions are at play which impact the efficiency by which child sexual abuse is policed.

As mentioned, extenuating pressures, such as social and political influences with regards to online crimes, have a bearing on the policing of child sexual abuse images; '[there are] significant levels of concern and anxiety about issues such as child pornography...Meanwhile, economic interests such as copyright holders in the media industries have attempted to push issues of 'piracy' and 'digital theft' up the policing and crime control agenda' (Jewkes and Yar, 2010, p. 4). In this instance, crimes which result monetary disruption have taken precedence, demonstrating that whilst political and social influences may push issues, such as terrorism, up the policing agenda, there are other, more financially focused online crimes, which interfere with the policing of online sexually abusive images of children.

Police have regularly struggled with a lack of necessary resources required to deal with child sexual abuse images. The government helped establish the National Hi-Tech Crime Unit which demonstrated economic investment being 'part of a wider £25 million strategy', and responsible for '[working] in conjunction with police forces countrywide, offering advice and technical assistance', with '25 per cent of the NHTCU's work [relating] to computer-mediated child abuse' (Jewkes and Andres, 2005: 48). The venture soon proved to be short-term. The government became 'less forthcoming when the scale of the problem became apparent' (Jewkes and Andrews, 2005, p. 50). Recent studies have reinforced the latter. In 2018, ECPAT questioned several law enforcement officers 'who had at least one year of current experience working with CSAM [Child Sexual Abuse Material]', participants '[emphasised] the fact that additional funding would significantly help their investigative teams' with the general consensus being that it 'would address the majority of issues participants had with current practices; it would allow them to add staff members, in turn processing more cases, build national databases of images and videos, and appropriately train staff' (ECPAT International, 2018, p. 32).

As insinuated in the latter, a lack of resources directly effects a force's ability to train their staff, another concern which has been referenced in literature. The House of Commons Home Affairs Committee reported, out of police officers sampled, only '16% had received 'specific' training on the subject' of child sexual abuse images (2018, p. 36, citing EU Child Online Safety Project, 2016). Not

only is this the unfortunate circumstance for officers working routine cases, but, when large-scale operations are organised, there has too been reference made to an absence of training; 'even those officers assigned to Operation Ore received little formal training to equip them for their new role' (Jewkes and Andrews, 2005, p. 54).

Beyond the difficulties encountered due to a lack of adequate funding, training or resources, the police are also at risk of experiencing emotional and mental trauma from regularly investigating child sexual abuse images. Research identified that police officers and staff working with sexually abusive images were likely to describe impacts reflective of PTSD (Parkes, et al. 2019a). These impacts were inclusive of a 'reduction in well-being, including depression, anxiety, sadness or feelings of hopelessness' (Parkes, et al. 2019a, p. 325). A participant involved in the study described feeling powerless due to the knowledge that the abuse depicted in these images could still be happening anywhere in the world (Parkes, et al. 2019a). Additionally, officers and staff had a more negative outlook on the world, they were plagued with intrusive thoughts and memories of the abuse images and felt the work impacted their personal lives, home life and parental decisions (Parkes, et al. 2019a). As a result of the emotional and mental impact of the work, individuals were described as employing coping strategies, including avoidance methods, detachment from the reality of the images and framing the work as part of their role in the police (Parkes, et al. 2019b). However, these were argued to be short-term solutions, with suggestions being made that those who work with sexually abusive images need to have safe spaces to discuss the impacts on their lives and mental well-being (Parkes et al. 2019b).

The complications regarding the policing of child sexual abuse images understandably echo that mentioned previously about online crime. However, in this section we witness specifically how these suggested pressures are experienced and prove to be legitimate, decade-long obstacles, since Jewkes and Andrews, 2005, established a plethora of hindrances in 'Policing the Filth', 18 years have passed and similar concerns are still being aired. Unlike policing sexual violence whereby the police themselves are contributing to a culture which does not adequately respond to these offences, online crime and particularly child sexual abuse images appear to be impacted on by a political agenda that does not prioritise the time, resources or expertise required to address these crimes. Furthermore, those working in this field are at a significant risk of experiencing emotional and mental trauma as a result of the content they are working with. Going forward it is integral that resourcing is too invested in the well-being of police officers.

### **3.7 Policing Technologically Facilitated Sexual Violence**

The policing of online sexual violence and harassment is likely to portray somewhat of a collision of the themes presented in this chapter and the previous one. With the development of the internet and resulting capabilities of technology, new forms of violence have emerged which the police are required to respond to. Actions that can be considered online sexual violence and harassment are broad and varied. Researchers have described these as technologically facilitated sexual violence 'where mobile and online technologies are used as tools to blackmail, control, coerce, harass, humiliate, objectify or violate another person' (Henry and Powell, 2016, p. 398).

Reflecting on police priorities and the lack of specialist understanding of forms of sexual violence, it has been evidenced that the police, and other facets of the criminal justice system, are likely to minimise the harms of online sexual harassment and violence (Powell and Henry, 2018). Specifically focusing on how domestic violence perpetrators can use technology to control and stalk their partners, police are likely to view this as a 'technical breach' (Powell and Henry, 2018, p. 301) rather than a characteristic of coercive control. This exactly mirrors previous concerns about the police measuring forms of sexual violence against their perception of 'real rape'. A recent example highlighting the minimisation of gendered online harassment comes from the response that Caroline Criado Perez received when she reported the rape and death threats she was receiving. Initially the police did little to nothing and it took national media coverage and public pressure for an investigation to take place (Laxton, 2014).

Since this thesis concerns the policing of youth image-based sexual abuse, it is worth focusing specifically on the policing of, and criminal justice responses to, image-based sexual abuse – a form of technologically facilitated sexual violence. Researchers have described that overall 'victim-survivors are being consistently failed: by the law, by the police and criminal justice system' (Rackley, et al. 2021). A core foundation of this is the lack of understanding of image-based sexual abuse woven into the law (Rackley, et al. 2021). Many victim-survivors liken the harm they experience to physical sexual abuse, describing it as digital or cyber rape (Rackley, et al. 2021), however, this is not appreciated or recognised by the criminal justice system. For instance, victim-survivors of image-based sexual abuse are not provided automatic anonymity when reporting their abuse, as a result, their names can be published in the media or on social media which compounds the harms they experience by drawing more attention to the abuse (Rackley, et al. 2021). Further criminal justice limitations include the constraints of perpetrator motivations (Rackley, et al. 2021; McGlynn, et al. 2019). Currently, different forms of image-based sexual abuse such as the disclosing of private sexual images and upskirting are only considered offences if the perpetrator intended to cause

distress or the offence was for sexual gratification (McGlynn and Johnson, 2021; Rackley, et al. 2021). Consequently, there are many other motivations which are not covered by the law, including for financial gain and for humour (McGlynn, et al. 2019). This has had an impact on the police's ability to adequately respond to reports of abuse, some officers have described that it is a struggle to prove that the perpetrator non-consensually shared private images to cause distress, going on to suggest that these limitations should not be included as something for them to resolve (Rackley, et al. 2021). The criminal justice limitations arguably stem from a misunderstanding of the reality of image-based sexual abuse. Rather the offence should be more closely aligned to sexual offences and the limitations on perpetration removed.

Regarding the police specifically, it has been described that many officers engage with informal responses when dealing with image-based sexual abuse offences (Rackley, et al. 2021; McGlynn, et al. 2019). Some actions taken by the police include requesting that the images are taken down or destroyed, however, these responses are the result of the legal limitations around motivations (Rackley, et al. 2021). So whilst the police are making an effort to address the abusive behaviour – even if it is not recognised by legislation – these informal responses do not reflect the harm caused to victim-survivors and can seem lenient (Rackley, et al. 2021). Unfortunately – but not unsurprisingly – the police do not always act in the best interest of the victim-survivor. McGlynn, et al. noted that victim-survivors felt the police did not take their abuse seriously and would try to dismiss an investigation (2019). Additionally, the police would be 'unsupportive' and leave the victim-survivors feeling that 'they were blamed for the abuse they experienced' (McGlynn, et al. 2019, p. 10). Victim-survivors recounted that officers would state that the non-consensual sharing of images was expected if the victim-survivor shared it in the first place, and questioning whether the victim had learnt their lesson (McGlynn, et al. 2019). It appears that the experiences of image-based sexual abuse victim-survivors align very closely with that of rape victim-survivors, revealing that there is a possible, concerning, trend across police treatment of gendered violence and abuse. Not only are these decade long sexist narratives still present within the police, but they are equally still very harmful for victim-survivors.

### **3.8 Harmful Features of Social Media**

Considering that much of the abuse being explored in this chapter takes place online, either wholly or in part, it is worth exploring some of the harmful features of prominent social media platforms, particularly those which are popular with young people. Young people's usage of technology and the online environment, particularly social media platforms, has increased over time and become quite integral to their lives (Plaisime, et al. 2020; Papamichail and Sharma, 2019; Davidson and

Martellozzo, 2013). Specifically, it has been found from research carried out in 2020 through surveying 12-15 year old's, that Instagram was the most common social media platform for young people to use, followed by Snapchat and Facebook (Statista, 2022). Additionally, recent research conducted on behalf of the Children's Commissioner found that the most popular platforms used by children included 'Whatsapp, Snapchat chat, Instagram DM, Facebook messenger and Apple imessage' (Reeves and Vibert, 2020, p. 9) this touches on the fact that different platforms may have different uses i.e. Whatsapp for messaging and Instagram or Snapchat for image sharing. Specifically focusing on harmful image sharing, Project deShame – which focused on young people's experiences of online sexual harassment – assessed social media usage between 13–17-year old's. Of those participants based in the UK 87% had used Instagram, 85% Snapchat 68% Facebook or Facebook messenger and 48% Twitter (Project deShame, 2017).

Disappearing messages and images are most commonly associated with Snapchat, which arguably originally marketed itself on this feature, however, these capabilities are also attributed to Instagram, Facebook messenger and Whatsapp, which has been a new addition to the platform. Whilst Snapchat and many other social media companies have regularly argued that they do not condone the distribution of abusive or private imagery on their platform (Snapchat Support, no date), the feature of disappearing messages and images arguably promotes harmful behaviour or at least provides abusers with more tools to commit abuse. Research into how individuals use Snapchat found that sending sexual content is not the primary reason people reported using the platform (although the researcher acknowledged that participants may have been reluctant to reveal the reality) with as few as 1.6% stated they used it mainly for 'sexting', though this percentage expands when including those who have sent 'sexual content via Snapchat at some point' to 14.2% and further when considering those who 'admit to having sent content classified as 'joke sexting'' to 23.6% (Roesner et al. 2014, p. 4). Whilst the latter actions have not as a whole been described as harmful, in the Project deShame report, amongst abusive situations described by young people, Snapchat on occasion was mentioned specifically as a platform through which the abuse was perpetrated (2017). As a result, whilst Snapchat may be casually used by young people, there is evidence of it being exploited for harmful purposes.

End-to-end encryption has been recently labelled as harmful due to the limitations it places of those scanning for child sexual abuse imagery (Reeves and Vibert, 2020). The introduction of end-to-end encryption, which 'ensures that the platform cannot decrypt messages as they flow through the servers' (Reeves and Vibert, 2020, p. 6) results in the police also being unable to 'read the contents of end-to-end encrypted messages without either (a) physical access to the sender or recipient's device; (b) the supply of a 'backdoor key' [a technicality built into the software that allows the



platform to read messages] or; (c) by using malware to spy on the user's phone' (Reeves and Vibert, 2020, p. 6). It is likely that companies may advertise these changes on their platform as an improvement to security and privacy, which is true in many respects, however, consequently there will be disruptions to the policing strategies as 'currently, active scanning for child sexual abuse material (CSAM) and grooming only occurs on servers which are not end-to-end encrypted (Reeves and Vibert, 2020, p. 15). These concerns will be further exacerbated if social media companies make these changes with little to no consideration for the impact on young people's safety; this 'could provide a convenient loophole for tech companies to side-step their duty of care to young and vulnerable users.' (Reeves and Vibert, 2020, p. 8).

The effectiveness of age verification on social media platforms has too been questioned and can cause apprehension. Many popular platforms amongst young people present with age restrictions; Whatsapp is 16+, whereas Facebook, Snapchat, Instagram, Twitter and TikTok are 13+ (OpenView Education, 2020), these restrictions however are not sufficient. Recent research established that 8 to 12 year olds were present on all of the previously listed apps (Reeves and Vibert, 2020) proving that there is little to no enforcement of these rules and young people are very easily finding a way around them. In line with ineffectual restrictions on social media platforms, there have been similar concerns about young people, below the listed age, using dating apps and experiencing abuse; it has been reported that children as young as 6 have been groomed through these apps, with that particular example being on Grindr (White, 2019). Clearly age restrictions on all platforms have the capability of being overcome by young people. Indeed, companies should reflect; if they don't believe their product is suitable for young people, do more to control or prevent their access.

The latter points to how technological features on social media and online platforms can be exploited for abusive purposes, however, it is not here where the difficulty with social media ends. Researchers have described previously that in cases of technologically facilitated sexual violence, social media companies were uncooperative in providing assistance to the police (Powell and Henry, 2018). Officers interviewed stated that some platforms, rather than providing the information that police requested – which in one example was the whereabouts of a young girl who was at risk of online exploitation – they would be directed to drawn out legal processes, some of which took two years (Powell and Henry, 2018). There were also cross-jurisdictional issues. Considering the global nature of the online environment in general, both perpetrators and social media platforms can be based across different countries, as a result police officers are finding themselves dealing with different legal terrain. Furthermore, technologically based offences require time and resources from

digital forensics departments, something which is not always assured, one participant even mentioned that it could take up to eight months to analyse a device (Powell and Henry, 2018).

The combination of harmful features on social media and online platforms as well as a hinderance created by the platforms themselves – which arguably demonstrates their dismissal of responsibility in cases of abuse – creates a particularly difficult environment where abuse is easily perpetrated and hard to police. Whilst this situation is already quite alarming, it is likely to only get more difficult. Police officers have been weary of the rapid development in technology which situates them on the back-foot, having to keep up-to-date with new emerging capabilities as well as dealing with numerous barriers (Powell and Henry, 2018).

### **3.9 Informing Youth Image-Based Sexual Abuse**

Compiling these different components of policing works to set the scene for how youth image-based sexual abuse is responded to. With aspects of this offence taking place online, many of the issues raised concerning a lack of resources and/or training will undoubtedly impact on the police's ability, for instance, to gather evidence in cases of youth image-based abuse. Here policing youth image-based sexual abuse will share many practical similarities to policing child sexual abuse imagery, in part because it is possible that the same police departments will be responding to both cases. Regarding the landscape of policing sexual violence, cases of youth image-based sexual abuse will undoubtedly encounter comparable barriers. Arguably the years of referring to youth image-based sexual abuse colloquially as 'sexting' has created a perception where similar harmful gendered stereotypes are employed, for instance, the victim-survivors 'respectability'. On a macro level, understanding how the police are viewed, with regards to addressing sexual violence, speaks to how – similar to many adult victim-survivors – young people may be deterred from disclosing image-based sexual abuse to the police. Overall, the literature included in this chapter will enable us to identify how different strands of policing are related and even feed into how youth image-based sexual abuse is responded to.

### **3.10 Summary**

This chapter has documented the foundation of policing before moving onto a breakdown of policing sexual violence and forms of technologically facilitated sexual. It is integral to have this knowledge as many of the themes included in this literature review will be mirrored in the police's response to youth image-based sexual abuse. Similar to Chapter 2, exploring the nature of policing different forms of abuse can be used to better inform our understanding of youth image-based sexual abuse.

## Chapter 4: Approach to Research Methods

### **4.1 Introduction**

In this chapter I will explore the methodological details of my research. I will initially examine the quantitative and qualitative methods employed in this research, detailing why these forms of data collection were the appropriate and effective choices in informing our understanding youth image-based sexual abuse. There will also be consideration of how central characteristics of feminist methodology are present within this research, which is integral for any project examining sexual violence. Finally, I will be reflecting on the ethics of my research including considerations about the topic being of a sensitive nature as well as my own positionality as a young woman of colour researching the police.

### **4.2 Research Questions**

Below are the research questions for this project which address four different strands of policing youth image sharing and image-based abuse; challenges, opportunities, discretion and context.

1. What are the main challenges and opportunities of policing youth image sharing and image-based sexual abuse?
2. How does discretion work in the policing of youth image sharing and image-based sexual abuse?
3. What roles does context play in the policing of youth image sharing and image-based sexual abuse?

### **4.3 Quantitative Data Collection**

#### **4.3.1 Freedom of Information Requests**

The quantitative data included in this research was acquired through Freedom of Information (FOI) requests sent to police forces in England and Wales. A total of 43 forces were initially contacted in May 2020, overall responses were received from 40 forces. Data was requested for the period of 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019. Requests were separated into three different offences: indecent images, disclosing private sexual images and Upskirting. The intention here was to assess the extent and nature of different forms of image-based offences whilst solely looking at victims between the ages of 10 and 18. Within each offence, the same information was requested: case identifier, crime recorded, victim gender, suspect gender, victim age, suspect age, victim ethnicity, suspect ethnicity, victim recorded as disabled, suspect recorded as disabled, victim recorded as LGBTQIA, suspect recorded as LGBTQIA, brief description of the case and outcome type. Whilst all

initial FOIs were identical, containing the above categories and being in the same format, certain police forces required different formats which eventually led to six different versions of the original FOI being sent out. On occasion forces would appeal for changes to be made, for instance categories concerning the disability and or LGBTQIA status of victims and suspects were removed as forces stated that locating this information would exceed their 18-hour threshold or require too much money to compile – see section 12 of the *Freedom of Information Act 2000*. In other cases, the police would require the FOI be formatted in a different way, either in a portrait fashion rather than landscape or for the questions to be included in the FOI email text, as opposed to an attachment.

Academics have previously argued for the use of FOIs by criminological researchers, stating that ‘agencies of study are often data rich but reluctant to publicise’ (Brown, 2009, p. 88). The use of police data specifically has previously been utilised in feminist research, in Westmarland and Bows’ case, it was to ‘provide evidence on the extent and nature of sexual violence against people aged 60 and over’ (2019, p. 16). Their perspective aligns in a similar fashion to the use of police FOI data in this research, the evidence collated through these responses delivers detailed evidence of the scope and attributes of youth image-based sexual abuse. Whilst the qualitative data provides insight from police and practitioners about individual cases, it is important to understand holistically the nature of this abuse and FOI requests allowed for this, the results of which are outlined in chapter 5.

Bows further explains how FOIs can aid feminist research:

‘Given that the fundamental underlying commitments in feminist research are to conduct research for the benefit of women that seeks to do no harm and to protect the anonymity and confidentiality of women, FOI requests can be a useful method in achieving these principles whilst also conducting research that gains access to previously unknown information, which helps to develop understandings of violence against women’ (Bows, 2017, pp. 39-40)

I find that the above is particularly relevant to this research which concerns abuse committed against young people aged 10-18. There are significant ethical considerations to make when including young victims of abuse in research, particularly when there is the potential for some to become upset or re-live their experience. With the use of FOIs here I was able to gather information about the extent and nature of youth image-based sexual abuse without the need to ask young people questions which may seem intrusive. This is worth considering for future research projects where accessing police data can assist in understanding different forms of gendered abuse whilst maintaining the protection of victims (Bows, 2017).

### 4.3.2 Processing Data

There was a lack of consistency amongst forces regarding the information that was sent to me and how it was formatted – this will be explored later – as a result, I was required to process certain data, specifically victim and suspect age. This data was subsumed into age categories which made it easier to group, for instance, some forces provided exact ages, some did not, for the information to remain consistent categories were changed to age groups. The groups remained narrow i.e. 13-14, to retain as much accuracy as possible. This did change for suspects whose ages were not limited to 18, unlike victims. It did become clear however after several police responses that suspects were also likely to be under the age of 18, therefore older age brackets were wider i.e. 30-39 to account for more figures.

In contrast to age, data on the gender of victims and suspects required responses to be edited out of the final figures presented. It is worth initially clarifying on the language used here, whilst the FOI specifically asked for ‘victim gender’ and ‘suspect gender’ with the intention of being inclusive of non-binary and trans young people the responses from police were binary; male or female, referring to sex rather than gender. With this in mind, I have continued to use the term gender as that is what was originally requested in the FOI.

In addition to ‘male’ or ‘female’ several police responses included ‘gender not recorded’ or ‘no suspect linked’ in their data, the figures included in these latter categories have been cut out of the data presented in Chapter 5. The reasoning for this is that these figures themselves were also likely to be gendered and with their inclusion the presentation of precise data would be disrupted. The result is that whilst figures have been removed, that which remains is a much more accurate depiction of victim gender and suspect gender in youth image-based sexual abuse offences.

Whilst these figures have been removed from the findings in Chapter 5, it is useful to quantify the extent to which gender was not recorded by the police, the table below presents this information.

**Table 2 FOI Gender Not Recorded By Offence**

	Indecent Images (27 forces responding)	Disclosing Private Sexual Images (20 forces responding)	Upskirting (20 forces responding)
Victim Gender Not Recorded	1234	5	2
Suspect Gender Not Recorded	956	24	5
No Suspect Recorded	250	106	19

It is especially apparent with indecent image offences that a considerable amount of victim's did not have their gender recorded. One force described that 'crimes of take/make/distribute or possession of indecent images of children are a state-based offence so the victim is in effect Regina, therefore there are no victim details to provide'. There may be an argument here if the police were unable to identify the victim, however, defining the offence as 'state-based' denies the victim's experience and harm caused. There were also issues with the suspect gender not being recorded or no suspect recorded at all, again most prominently with indecent image offences. With disclosing private sexual images and upskirting, these offences were particularly new to the police, so it is understandable that the figures are much lower in comparison to indecent images. Indeed, it is the result of a lower number of recordings for these offences that some information was withheld on the grounds of it being identifiable – see section 40 of the *Freedom of Information Act 2000*.

#### 4.3.3 Informing Qualitative Data

Furthermore, with the FOI requests I was also able to organise data which would further inform and evidence qualitative findings. I collated 100 cases from different forces where the context of the case had been included, this was presented in the FOI request table as a 'brief description of the case'. Five forces overall sent a total of 783 cases with a brief description included. Cases included in the 100 which formed descriptive statistics were sampled based on the amount of contextual information provided. Cases that were omitted from the descriptive statistics included those that were largely redacted and/or were very brief, to the point where the context of the case couldn't be ascertained. Examples of these are as follows:

*Explicit image posted to Snapchat group.*

*Concerns about sexually explicit messages.*

*Suspect videos victim [redacted] and then distributed on social media.*

*Suspect Named.*

*Sent a nude image to the victim.*

The descriptions that were included either provided more information about the relationship between the victim and suspect, the setting in which the offence took place and/or were an example of differing forms of abuse. Regarding the latter point, it was key that a variety of forms of abuse were represented, such as, cyberflashing, voyeurism and the non-consensual sharing of images, to name a few (see table 12 for FOI examples which portray differing forms of abuse). The descriptions of each case were thematically analysed using a variety of categories, which were expanded throughout the process, compromising of, relationship between victim and suspect (if clear), victim age, suspect age, victim gender, suspect gender, format (image or video), community relevance (whether a school environment was mentioned), evidence of 'bait out video', social media, website, consent, pseudo-image and outcome. Information from the 100 cases has been used in this research to illustrate different contextual themes of youth image-based sexual abuse, such as youth image-based sexual abuse within schools (table 14) and youth image-based sexual abuse within friendships (table 16). It is also worth clarifying that all FOI descriptions used in this thesis are taken directly from the responses that I received from the police.

Utilising the descriptive data provided from police forces ensured that the FOI findings could be applied in a broader fashion as opposed to solely mapping the age and gender of victims and suspects. Additionally, whilst we have to be mindful that the descriptions of cases have been input by police officers rather than victims, this information is integral for understanding the experiences of young people and particularly how youth image-based sexual abuse occurs.

#### **4.3.4 Challenges**

Whilst a strong argument can be made for the importance of FOI requests and the information that is made accessible as a result, it is not without its challenges. Echoing Bows (2017) comments, there are barriers that need to be surmounted in order to access data, this sometimes requires constant negotiation from researchers. The process can become very long winded and due to Covid-19, in my situation, many forces were initially delayed in their ability to get back to me in the allotted time, further forces did not respond at all, even after follow-ups. As mentioned earlier, the format and language included are also subject to change, some forces may accept your request, others will require the language and/or format to change to reflect their databases. Additionally, the information you receive will not be consistent, there was a considerable variety in the format in which data was sent to me, for instance, one force displayed their results in pdf form, which was 42 pages long, others on one excel sheet. There were also differences in the detail of data provided, certain forces limited the response to total case figures only, others submitted all the data requested. Consequently, these factors impacted on what force's data would be included in the FOI

findings. I was strict to only incorporate those who had clearly presented the data so that I could be exact and accurate with my findings, for example, there were a number of occasions where forces would not specify the victim age further than '10 – 18'. On other occasions the data was set out in tables that were almost unreadable and no figures could be reconciled with each other.

Further to the above there were specific instances where accessing information was especially difficult. Upskirting as an offence was only made illegal in February 2019 under the *Voyeurism (Offences) Act 2019*. As a result, for the time frame that data was requested, many forces may not have been fully enforcing the offence, and when they did the number of cases was so small many forces refused to provide the data arguing that it risked identifying the individual – see section 40 of the *Freedom of Information Act 2000*. These constraints highlight that FOI requests may be limited when inquiring about information on newly established offences which have not been fully adopted or understood by police forces.

Regarding the demographic information requested, it seemed after a while of sifting through the responses that the police employ specific categories for ethnicity, however what is unclear is whether they are consistently used. Unfortunately, with regards to ethnicity the information was not provided widely enough for any patterns to be deciphered. Largely victims and suspects were recorded as 'not stated' or 'unknown' or 'White North European'. I eventually decided that it was unhelpful to report on the ethnicity of victims or suspects in the quantitative findings as the information provided by responsive forces was either not detailed enough or unclear, consequently no concrete conclusions could be made. Echoing similar points made recently (see McPhee, et al. 2021), it is a lesson for both researchers who use FOI requests and the police, if research is intending to understand the experiences of marginalised communities, relying on police data which is not necessarily effectively recorded may be impractical. Equally if the police are intending to improve their relationship with minoritised communities, it is necessary for them to collect the correct and accurate information, therefore when analysts attempt to decipher any patterns, they have a full picture to work from, rather than a fragmented one.

It has been mentioned that the intention of using the term 'gender' rather than 'sex' was to allow for responses to be inclusive of non-binary and trans young people. However, upon reflection it would have been better to make the original FOI request more detailed explaining that this was the intention behind using the term, this echoes Bows' previous comments outlining the importance of being specific in FOI requests and 'providing detail on what is meant by the question being asked' (2017, p. 37).



Considering the latter two concerns with FOI responses, it is worth acknowledging that these gaps in understanding were able to inform follow-up interview schedules (Bows, 2017). So, whilst the method of data collection itself was limited in its ability to provide a full picture of the extent of youth image-based sexual abuse, due to the research being mixed methods, I was able to identify themes that were lacking and use the follow-up interviews to address this. Indeed, this demonstrates that whilst challenges may arise from either form of data collection, a mixed methods approach allows for flexibility in working around these.

#### **4.4 Qualitative Data Collection**

A total of 26 individuals participated in this research, interviews were conducted in a semi-structured manner and lasted between 30 minutes and 90 minutes. Demographic information on race and ethnicity was not collected during the interviews, this was due to the low number of black and minoritised police officers across the forces included in addition to the small number of practitioners involved, preserving anonymity was a priority. Whilst transcripts were analysed using the same methods, police and practitioners will be separately addressed here due to differences in the sampling procedure and interview structures.

During the data collection process an interview was carried out with the relative of a victim, the intention was to also interview the victim, however both the victim and the relative became unresponsive during follow-up emails and therefore I decided that I should discount the content of the interview with their relative if both appeared no longer comfortable being included. Consequently, the data from this interview has been discounted from the thesis.

##### **4.4.1 Police Participants**

Overall, 3 police forces in England and Wales were included in the qualitative aspect of this research, with a total of 18 police officers – 6 female and 12 male. Participants included police constables, detective constables, detective sergeants, investigators, and police staff. Police participants were initially recruited through existing research networks – Centre for Research into Violence and Abuse – and research contacts. A poster was created advertising the research which was then sent to all internal and external members of the research centre as well as the police contacts of a colleague. The request for participants resulted in police officers from two different police forces contacting me through my email. Overall, the request for participants through email resulted in 10 police officers consenting to take part in my research. Snowball sampling led to another 8 participants being recruited. Whilst a significant number of police officers were eventually included in the research, at times I was required to provide additional information to access participants. For instance, some

police forces requested a copy of my ethics approval, an additional document outlining the aims of my research and how I would be using the data as well as a confirmation that I would provide them with future publications which referenced any data collected in this project.

Semi-structured interviews were carried out over the phone with police participants. The interview contained questions about common criminal offences the police encounter, whether they had used alternative offences for cases of youth image sharing and youth image-based sexual abuse and how police discretion as well as the decision making of others involved impacted on a case. Follow-up prompts were also included in the interview schedule. For the sake of maximising on the interview time, participants were sent the interview questions in advance. I have found that this is an advantageous methodological decision as participants are clear about what is being discussed and are not required to think on the spot.

It was decided that interviews with police participants would not be recorded. I was concerned that the participants would be distracted by the idea of their words being recorded and consequently worried about their anonymity. Wanting to prioritise the rapport between myself and the participants and the content of the interview, I decided against recording and instead took notes during the interview, including direct quotes and general themes. Whilst this decision was made with police participants in mind, for the sake of consistency amongst data collection methods, interviews with practitioners were also not recorded.

#### **4.4.2 Practitioner Participants**

A total of 8 practitioners took part in this research – 6 female and 2 male – their professions ranged from legal professionals, sexual health workers, youth workers, teachers, specialist RSE educators and child sexual exploitation prevention workers. Practitioners were also initially recruited through the original email sent out to internal and external members of the research centre. From there some participants recommended other organisations for me to contact and equally I came across other participants through different research projects that I was working on.

Accessing practitioners was much simpler than police officers as it largely required email confirmation of their approval to take part and the signed consent form. Interview questions specifically aimed at practitioners addressed their job role and how, through their profession, they encountered youth image-based sexual abuse.

#### **4.4.3 Follow-Up Interviews**

A total of 7 participants were contacted to participate in follow-up interviews: 4 were practitioners and 3 police officers. The intention behind carrying out follow-up interviews was to gather

perspectives on emerging research themes as well as having the space to explore any gaps that were appearing. To gain consent, at the end of the original interviews, participants were asked whether they would be happy to take part in a follow-up interview, specific participants were then contacted later into the research process to take part. Two of the 7 participants were not part of the original interview group, they were encountered later into the project and rather than going through the initial interview questions with them, I thought it would be more worthwhile to discuss the follow-up interview questions to gain as much feedback on the emerging themes as possible. Regarding the time frame, on average, the follow-up interviews took place 8 months after the initial interviews and took between 30 to 60 minutes. A smaller number of questions were covered, however, certain questions were more open-ended and directed at research gaps, such as whether class and/or race impacted on youth image-based sexual abuse.

#### **4.4.4 The Dynamics of Telephone Interviews**

The interviews with police and practitioners were originally planned to take place in person or over the phone if travel was difficult, however, the first UK Covid-19 lockdown began a month before data collection was due to take place, therefore it was decided that all interviews would take place over the phone. Whilst it was frustrating to have to alter methodological plans, the decision resulted in some improvements to the project.

Practically, telephone interviews allowed me to recruit more participants and look further geographically without worrying about the expense of travel, which has been previously referred to by researchers using this form of interviewing (Block and Erskine, 2012). The interviews also allowed me to be more efficient with my time, sometimes I was able to fit more than one interview into a day and if not, I was able to structure my work around the interview taking place, whereas in person interviews would have required far more time due to traveling and been more tiring.

Telephone interviews have been previously described as ‘a less attractive alternative to face-to-face interviewing’ (Novick, 2008, p. 391), arguably including a ‘loss of nonverbal data’, reduction in ‘rapport, probing, and in-depth discussion’ and ‘loss of contextual data [situational specifics]’ (Novick, 2008, p. 395). Researchers have further stated that the separation provided by telephone interviews can impact on how participants express themselves as well as potentially preventing the establishment of trust between the participant and researcher (Block and Erskine, 2012). However, my experience carrying out telephone interviews appeared quite the opposite. In the majority of interviews, there were no issues with rapport between myself and participants, this was apparent in both the police and practitioner interviews. Individuals were very generous with their time and friendly towards me, welcoming my research as necessary and important. Regarding the participants

expressing their opinions and answering questions, I believe, unlike what literature has previously suggested, the anonymity awarded through telephone interviews provided some sort of safety for individuals to fully articulate themselves. Indeed, it could be that over the phone it feels less like you are being observed by someone, as opposed to them sitting opposite you.

Whilst it may have been an unintended change to methodology, the telephone interviews ended up being quite a successful way of collecting data. It is also true that this format may remain ideal for many researchers, aside from making arguments about safety during Covid-19, which will likely be a continual concern, there is a considerable level of accessibility afforded through organising interviews over the phone, which works well for both researcher and participants. Furthermore, the likelihood of meetings continuing to take place remotely, could result in individuals being more open to speaking over the phone and dispelling any concerns about lack of rapport or trust. It is however worth pointing out that considerations should still be made for the appropriateness of telephone interviews, participants in this research project were not personally involved with cases, whereas in victims or suspects has been included, the ethics of discussing something so sensitive over the phone will have to have been evaluated.

#### **4.4.5 Analysis**

All interviews were analysed thematically using the software Nvivo 12 plus. Themes and sub-themes were identified which related specifically to the research focus and questions (Bryman, 2016).

Thematic analysis allows the researcher to 'identify and interpret key, but not necessarily all, features of the data' (Clarke and Braun, 2017, p. 297). One of the most helpful aspects of this tool is that it enables the research to 'evolve throughout coding and theme development' (Clarke and Braun, 2017, p. 297). This was essential for my research which at times seemed quite explorative, with every interview, particularly comparing the police interviews with practitioners, new themes were arising which led to new facets within the research.

Thematic analysis was chosen to be most appropriate as the core themes in this research: 'Context' and 'Discretion', are likely to reflect individual subjectivities, therefore, to fully understand the inner workings of these themes it was important to refrain from diluting commentary from participants with other forms of analysis. Researchers have described the use of thematic analysis as 'an organic approach to coding and theme development' (Clarke and Braun, 2017, p. 297), which I believe reflects my process. Whilst Nvivo 12 plus was used as a tool to organise analysis, there were very few steps between the interview occurring and analysing the subsequent transcript.

106 individual themes were identified during the analysis process. Some of the themes and sub-themes were specific to police participants, such as, 'Challenges of Policing' including the sub-themes of, 'CPS', 'Resources', 'Social Media', equally some themes were specific to practitioner participants, for example, 'Practitioner Challenges' which comprised of, 'Balancing Advice', 'Culture and Young People' and 'Resources'. Overarching themes like 'Context' related to both the police and practitioners. Core themes such as 'Context' and 'Police Discretion' were developed directly from research questions. However, many sub-themes were established throughout the data collection and analysis period. As information was gathered and I as a researcher became more aware of the emerging themes of the research, I was able to further probe the interview data for themes.

**Figure 1 Example of Research Codes**

Nodes			
Name	Files	References	
Gender		5	9
Legislation		12	17
Discretion		1	1
Motivations		0	0
Non-punitive Responses		0	0
Opportunities in Policing		2	2
Pandemic		17	20
Perception of Teenage Consensual-Digital Intimacy		3	3
Police Discretion		0	0
During Investigations		14	21
External Discretion		15	23
Individual Discretion		4	4
Shared Discretion		3	4

#### **4.5 Feminist Research and Methodology**

Whilst it has been previously argued that there is no one specific or one definitive form of feminist methodology (Skinner, et al. 2005), key characteristics have however been previously identified in literature which I believe are reflected in this research. Firstly, the concern with gender and gender inequality (Skinner, et al. 2005). Gender will enter the discussion in this research on multiple occasions, unsurprisingly as there is a focus on sexual violence and we know from overwhelming evidence, that these offences are often gendered (Walby, et al. 2014). Secondly, deconstructing power dynamics in research, particularly those between researchers and the subject of research (Skinner, et al. 2005). I would argue that this is addressed in this project through the specific focus on policing and the police, an institution which is regularly associated with power (Jackson, et al. 2012), therefore, rather than the researcher holding the most power, it is a powerful institution which will be examined and critiqued. Additionally, there should be a drive to include the voices of

marginalised communities (Skinner, et al. 2005). Whilst there were ethical and access barriers with regards to including young people in the data collection, the research attempted to address gaps in the understanding of the role of class, race, and sexuality in experiences of youth image-based abuse during interviews. Researchers have previously acknowledged how some feminist literature can ignore the importance of these factors, which does little to dissect white middle class observations within criminology (Morris and Gelsthorpe, 1991).

Furthermore, a distinctive aspect of feminist research that has been adopted here is the choice of appropriate methodology (Skinner, et al. 2005). It has been argued that within feminist research it is pertinent that methods 'adopted come at the topic under investigation in a way that is more likely to reflect the experiences of women and children, rather than distorting them' (Skinner, et al. 2005, p. 17). It was this intention that drove the choice of using a mixed methods approach. Bows has previously identified that combined quantitative and qualitative methods 'allows feminist criminological researchers to examine the extent of violence as well as the lived experiences of those who have been victimised' (2017, p. 33), whilst the qualitative aspect of this research was not carried out with survivors, I was able to understand the experiences of young people through parties who are in regular contact with them, this is especially relevant for practitioners who are part of this research. The analysis of FOI responses allowed me to identify the scope and nature of youth image-based sexual abuse, with semi-structured interviews providing space for themes to be expanded on and the nuance of these experiences developed beyond numbers and statistics.

Expanding further on what it is to do feminist research, Morris and Gelsthorpe state that 'women cannot just be added on to the analysis' (1991, p. 6) of criminology, with regards to this project, I argue that young people cannot just be added on to the analysis of adult women's experience of image-based abuse. Although, rather than dismantling the current knowledge and critiquing it, as Morris and Gelsthorpe (1991) suggest, I have chosen to use it as a foundation on which to build a more comprehensive understanding of the extent and nature of image-based abuse amongst young people, further informing and centring their experiences. Additionally, it has been described that 'feminism does not mean an exclusive focus on women, although it is often taken to mean that; it does involve a concern with gender considerations, but gender should be both critical and central to the concerns of criminology' (Morris and Gelsthorpe, 1991, p. 8). It will be explored later in this thesis that youth image-based sexual abuse is undoubtedly a gendered form of abuse, however, this does not limit the scope of how gender is assessed. I have been purposeful to explore the full extent of image-based abuse which includes how it is gendered, but further, for instance, how girls can internalise gendered stereotypes and perpetrate abuse, as well as the differing motivations for boys sharing images.

In whole, the intention behind this research is to provide information that in turn can be used to better understand and inform support for young people who experience image-based sexual abuse, this echoes comments made by Westmarland and Bows; 'feminist researchers have a political commitment to produce useful knowledge that will make a difference to women's lives' (2019, p. 11). Indeed, whilst I have argued that there are stages or processes in this research which align with what has been described as feminist research, it is the core objective to better the lives of young people that I believe cements this research as feminist driven.

#### **4.6 Ethical Considerations**

Referring back to the characteristics of feminist methodology and research, reflexivity – 'how the researcher impacts on the research process (and vice versa)' (Skinner, et al. 2005, p. 15) – and emotional and/or physical wellbeing, are key components of this project, particularly considering the research concerns violence and abuse (Skinner, et al. 2005).

##### **4.6.1 Young People**

It was decided during the ethics stage that young people were not to be included as participants in this project. Whilst this is a contentious decision as young people's experiences are central to this piece of research, I believed that it would not be ethical for them to take part. Primarily this comes down to my experience as a researcher, interviewing young people about their experiences of image-based sexual abuse is not an easy feat for the research or participant. Considering my hesitancy, I decided that it was more appropriate and ethically sound to solely interview police officers and practitioners, rather than risk a young person experiencing emotional distress during an interview. Additionally, there were practical issues. As my research took place during the initial Covid-19 lockdown, there were considerable barriers in place regarding accessing young people to interview. Overall, it was decided that police officers and practitioners could speak to the extent and nature of youth image-based sexual abuse, whilst being mindful that neither the police nor practitioners speak on behalf of young people.

##### **4.6.2 Participant Ethics**

With the subject matter of this research being youth image-based sexual abuse there had to be consideration about the ethics from the perspective of participants. To help participants recognise early that there may be some difficult discussions during the interview, I provided the contact details for three support services on the project's information sheet. These services, Samaritans, Mind and Police Care UK – which is a specialist organisation for police officers and their family – were intentionally mental health focused, rather than sexual violence specific organisations which would

be included if victims were participating in the research. The intention behind this was to acknowledge that conversations about sexual violence and abuse can be distressing whether that individual is personally involved or not. It was also mentioned in the information sheet and consent form that participants could skip questions – which some participants did take advantage of – take a break from the interview or withdraw completely if they chose to. It was also acknowledged on the consent form that if I believed any of the participants were a risk to themselves or other that I would be disclosing this information to relevant agencies.

Much thought was put into protecting the anonymity of participants. As I have mentioned, demographic information such as race and ethnicity was not collected to further prevent participants from being identified, in addition to this, I was careful to quote participants with only a number and for police participants their rank also. I believed that any other pseudonyms could reveal their identity to other participants. This was particularly the case for practitioner participants, who, as well as making up a much smaller number of interview participants, in cases can be considered specialists in their fields and therefore adding any kind of profession to quotes included in the research may be too easily identifiable.

indeed, it is also worth acknowledging that whilst researchers must ensure that participants are protected, many – if not all – who took part in my research are very familiar with the topics covered in interviews. Participants were chosen because of their professional expertise and therefore they were very confident and comfortable talking about youth image-based sexual abuse.

#### **4.6.3 Researcher Positionality**

Jackson, et al. stated that ‘qualitative researchers are also required to think about and explicitly acknowledge the various ways in which their own unique biographies enter into the research process’ (2013, p. 2). I was initially somewhat ignorant about the extent that personal feelings or one’s identity could impact on research, this could be because of the years of encouragement within academia to separate oneself from their research. However, going through the research process, my own perspective and its impact became more and more apparent to me. It is helpful to break this down through the context during which my research took place: March 2020 Breonna Taylor was murdered by police in America (Levenson, 2020), May 2020 George Floyd was murdered by police in America (McKelvey, 2021), throughout the rest of the year Black Lives Matter marches took place all over the world. In the UK, it has been more than 20 years since Stephen Lawrence’s murder and the publication of the Macpherson report, even with evidence that Black people are much more likely to be stopped by the police Cressida Dick refused to acknowledge institutional racism in the police force (Sarkar, 2020). In addition to this, March 2021 Sarah Everard was murdered by a serving



metropolitan police officer (Manning, 2021), the subsequent vigil and those who attended were met with aggression from police officers with some people being arrested (Bowden, 2021). Recently, Mina Smallman, the mother of Nicole Smallman and Bibaa Henry, described how police demonstrated racist tendencies when dealing with her daughters' disappearances (Lyons, 2021). In this exact same case, police officers have been charged after taking photographs at the crime scene (Dodd, 2021). As I write my thesis, I have found it hard separating my own personal feelings about the last two years and all that has taken place from my research findings – being a woman of colour, the constant evidence of institutional, systemic and structural racism and sexism can be disheartening and emotionally laborious. The following section will explore the positionality of being a young woman of colour researching the police.

The collective distrust of police by women has been significantly exacerbated recently as a result of the incidents described previously. This feeling has continually worsened by the consistent failings of police to properly address their shortcomings, evidenced by recommending women seek the attention of a bus driver if they feel in danger by a police officer (Middleton, 2021). The context of this is particularly uncomfortable when coupled with carrying out research on the police and thus being reliant on their participation for the sake of my research. Previous literature has described the multiple roles or parts that women must navigate when researching the police. There is initially the contradiction in how you approach uncomfortable situations during your research process, Horn describes this as a 'conflict between 'good research practice' (establishing rapport with interviewees) and my own feminist beliefs' (1997, p. 304), further detailing that 'a woman who researches a male dominated environment, such as the police, is likely to be in situations in which she must decide whether to challenge a sexist remark or assumption, or ignore it.' (1997, p. 303). I believe this is especially relevant for research investigating gendered abuse as it is likely that you will encounter rape myths and/or victim blaming. From a researcher perspective the insight of policing behaviours is useful, but as an individual and a woman, there is a desire to address that. This leads on to the significance of being a woman researching an institution like the police: 'in a male dominated environment and culture, such as the police, gender assumes greater importance and significance than it would in other environments' (Horn, 1997, p. 302). The latter is reinforced by literature examining the experience of female researchers engaging in ethnographic data collection whereby the 'situation' they are in can lead to feelings of vulnerability due to an awareness of their intersecting identity (Westmarland and Bows, 2019). I believe that during my time researching the police, in comparison to other projects I have been involved with, my identity of being a woman became more and more significant, not only during interviews, but also when writing up findings.

In opposition to the difficulties described above, there were instances where my gender became almost useful in acquiring information from participants. Horn states that 'a belief that a woman researcher is harmless and unthreatening may lead participants to give her information that would not be given to a man' (1997, p. 300). As mentioned, my participants were very generous with their time when speaking to me and were open with their opinions, however, it is hard to disregard that their willingness to speak with me may be influenced by the fact that I am a young woman, a PhD researcher rather than a senior member of staff, and as a result I may have appeared less intimidating. Subsequently I would argue that my identity as a woman had personal limitations largely relating to my discomfort in not addressing negative comments during interviews, but that it is likely that these negative comments were divulged because I did not appear as a threat.

Considerations should however be made about the ethics of the researcher's gender being such a large part of collecting data within institutions such as the police, future researchers may be uncomfortable with the reality of their identity being somewhat central to accessing information.

Additionally to being a young woman, I am also Indian, my personal feelings about the police are largely tied to years of mistreatment of minoritised communities by the police. When beginning this research, I was largely able to dissociate my personal feelings from the research as I was focused on understanding the experiences of young people. However, similar to events which have brought mainstream attention to women's experiences with the police, the last two years have also acted as a catalyst for the awareness of police brutality towards minoritised communities and in particular the black community. During this time, it has been hard to avoid video evidence of police attacking people of colour, to this day I see content on social media demonstrating the misuse of stop and search as well as a number of related documentaries being broadcast on television. It is hard stepping away from this and then objectively writing about police involvement in responding to youth image-based sexual abuse. The constant reminder of institutional racism within the police is incredibly tiring and distressing, which must be magnified for researchers in my position who are from the black community. When reflecting on my interviews and position as a woman of colour, it was difficult to not over-analyse the role that my racial identity played. I have constantly questioned whether the atmosphere during interviews would have changed if they took place over video call for example, how would participants have reacted to questions about race if they could see my face? Arguably my name gave away that I'm not white British, however, I have been previously told that my name doesn't sound 'that foreign', therefore if I had more of a traditional Indian name, would that have made a difference? This brings up themes from other research concerning the power dynamics of researchers of colour investigating institutions. Cabrera in his research questioned 'what happens when the power dynamic is inverted and the researcher comes from the

marginalised social background and is studying the dominant? How does this affect the context of the interviews?' (2016, p. 16). It can be argued that my position as a woman of colour altered the situational context of interviews, which would differ to white researchers, however, whilst I can relate to these questions posed by Cabrera (2016), my experience somewhat differs as he was actively researching race in higher education with his participants being fully aware that he was a person of colour, in comparison I was somewhat covertly being a person of colour behind a phone. I would like to recognise that whilst I only recall one interview which left me particularly uncomfortable following comments made about race and the police, all police participants spoke to me in a respectful manner. What I have struggled to separate is that these individuals are all part of an institution which holistically mistreats minoritised communities. As a researcher of colour, this is what continues to be on my mind.

#### **4.6.4 Emotional Impacts of Researching Sexual Violence**

Widdowfield writes that 'not only does the researcher affect the research process but they are themselves affected by this research process' (2000, p. 200). Further to the latter themes described, researching sexual violence itself can have an impact on researchers. This project initially began with child sexual abuse images as the subject of investigation, however this was revised with support from my supervisors when I felt unable to pursue the research. My experience reflects that described by Widdowfield: 'upsetting and/or unsettling experiences are as potentially paralysing as ethical dilemmas, with some researchers feeling unable to continue research which brings them into contact with aspects of the world and people's lives which they feel (emotionally) ill-equipped to cope with' (2000, p. 201). Whilst the change in research subject does not imply that youth image-based sexual abuse is any less distressing, rather I felt more able to manage the content in comparison.

The realistic impact of researching sexual violence, reflecting on the whole process, is that some of what researchers learn will live with them for a long time: 'there are words and images I wish I could forever purge from my memory' (Campbell, 2002, p. 1). It can become quite overwhelming and disheartening to realise the scale and severity of the work being investigated. I for instance, before beginning this research, was not fully aware of the extent and severity of youth image-based sexual abuse. When being faced with the magnitude of sexual violence and continuously reading about different experiences, some victims being as young as 12, it can feel like a losing battle. Campbell addresses similar emotions, describing the all-encompassing nature of researching sexual violence: 'I read about it, talk about it, write about it, and bare witness to it' (2002, p. 1). This I believe can be one of the most tiring aspects of researching sexual violence, that it becomes incredibly consuming.

I wish to be honest about the impact of researching sexual violence, echoing Campbell (2002), minimising it would 'betray' my experience as well as the victim-survivors of youth image-based sexual abuse. I will however acknowledge, that whilst I have carried and will carry what I have learnt and witnessed during this research, I have over time tried to channel my emotional responses to this research into a motivation to improve young people's experiences. That is itself the core drive of feminist research, to make a difference for women and young people (Westmarland and Bows, 2019).

#### **4.7 Summary**

This chapter has described and evaluated the methodological processes, ethical considerations and researcher positionality within this project. Initially I have outlined the mix of quantitative and qualitative methods including FOI requests to police forces in England and Wales and semi-structured interviews involving police officers and practitioners. This is followed by an exploration of how this research has cemented itself as feminist driven. Beyond the procedures of investigating youth image-based sexual abuse, I have concluded this chapter by addressing my own positionality as a young woman of colour researching the police, before going on to recognise the impact that researching sexual violence can have on an individual.

## Chapter 5: Who is the Victim? Who is the Suspect? Police Recorded Statistics

### **5.1. Introduction**

The intention of this chapter is to present findings revealing the scale and nature of different forms of youth image-based sexual abuse – indecent images, disclosing private sexual images and upskirting – experienced by victims between the ages of 10 and 18. Freedom of information requests were made to all police forces in England and Wales for the period of 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019. Although there are well versed critiques of police recording data, both with regards to accessing the data due to the police acting as ‘gatekeepers’ to information (Bows, 2017), as well as key pools of data being absent from police databases (see McPhee, Hester, et al. 2021), these figures are still very useful as they represent the overall workload and can be used to map experiences. The data presented in this chapter identifies the age and gender of victims and suspects across the different offences. Whilst other characteristics were enquired about, such as ethnicity and disability, age and gender were the most consistently documented. The chapter will break down the findings for each offence and conclude with a discussion about emerging results and themes.

### **5.2 Indecent Images**

Before going into the specifics of victims and suspects, it is important to establish the percentage of indecent image offences where the victim was between 10 and 18. Table 3 presents these results.

All Ages	Victim Between 10-18	
	n	Proportion
15230	2405	15.8%
*25 forces responding		

As mentioned in Chapter 2, the *Protection of Children Act 1978* accounts for separate offences, in some cases police forces responded with the individual figures for each offence, however, to ensure consistency, the figures have been amalgamated in the table above. The data presented here demonstrates that victims between 10 and 18 account for 15.8% of overall victims, with the total figure being in the thousands.

#### **5.2.1 Victim Gender**

Of the 2198 victims where gender was recorded, females accounted for 76.7% (n=1686) of that total, with males accounting for 23.3% (n=512). This data reinforces our current understanding child sexual abuse (NSPCC, 2021b) and sexual violence (Kelly, 1987; Westmarland, 2015), that victims are

predominantly female. Additionally, if we look at wider information, the individual percentages here reflect national statistics regarding sexual assault – 79.9% of victims were recorded as female and 14.2% were recorded as male (Office for National Statistics, 2021). Overall, with females accounting for the majority of victims, it can be proposed that indecent image offences – when the victim is between 10 and 18 – are also likely to be gendered. Alongside the evidence used above, these percentages also align with our understanding of image-based offences being gendered (McGlynn, et al. 2019).

The percentage of male victims (23.3%) however is slightly higher than the sexual assault national average (14.2%). This can possibly be explained by the age range (10 – 18), during which there is evidence that a larger proportion of young males (and young females) report experiencing sexual abuse (NSPCC, 2021b). Whilst the offence can still be considered gendered in the degree at which victims are female, this is not to suggest that young men and boys cannot experience abuse.

Total Victims	Female Victim		Male Victim	
	n	Proportion	n	Proportion
2198	1686	76.7%	512	23.3%
*21 forces responding				

### 5.2.2 Suspect Gender

Regarding suspects, 64.6% (n=993) were recorded as male and 35.4% (n=543) recorded as female. This again reaffirms that indecent image offences – when the victim is between 10 and 18 – are likely to be gendered. The statistics mirror what we know from wider literature about sexual violence, that the majority of suspects are male (Westmarland, 2015).

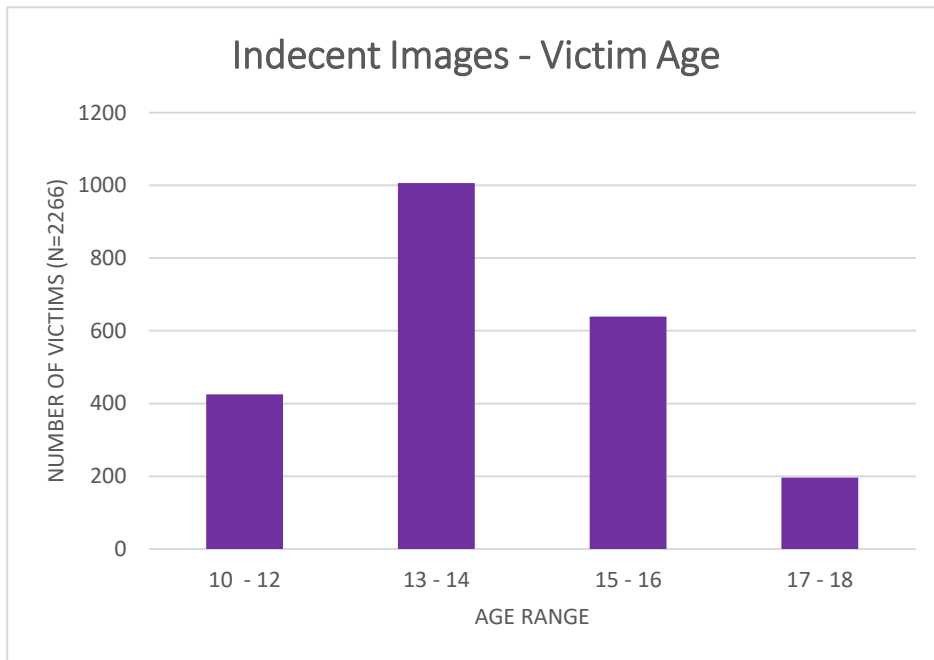
In this case there was a smaller margin between male and female suspects in comparison to victims. This is particularly interesting and can be possibly explained in a number of ways. Firstly, as it is important to be mindful that this information is being sourced from the police, it is possible that victim and suspect classifications are adhering to the specifics of the *Protection of Children Act 1978* rather than the context of the abuse itself, for instance, if a girl has sent images under duress to a boy, she would be considered the suspect as she has shared the images. Secondly, a number of females recorded as suspects here may have themselves internalised harmful gendered narratives and be sharing images to humiliate, etc. it is also possible that images have been shared for a myriad of different reasons as we know that it is not always to cause distress (Henry, et al. 2021; Naezer and Van Oosterhout, 2021). Nevertheless, these latter suggestions – which will be explored in Chapter 6

– do not denounce that statistical evidence is pointing towards indecent image offences being gendered.

Total Suspects	Female Suspect		Male Suspect	
	n	Proportion	n	Proportion
1536	543	35.4%	993	64.6%
*19 forces responding				

### 5.2.3 Victim Age

Figure 2



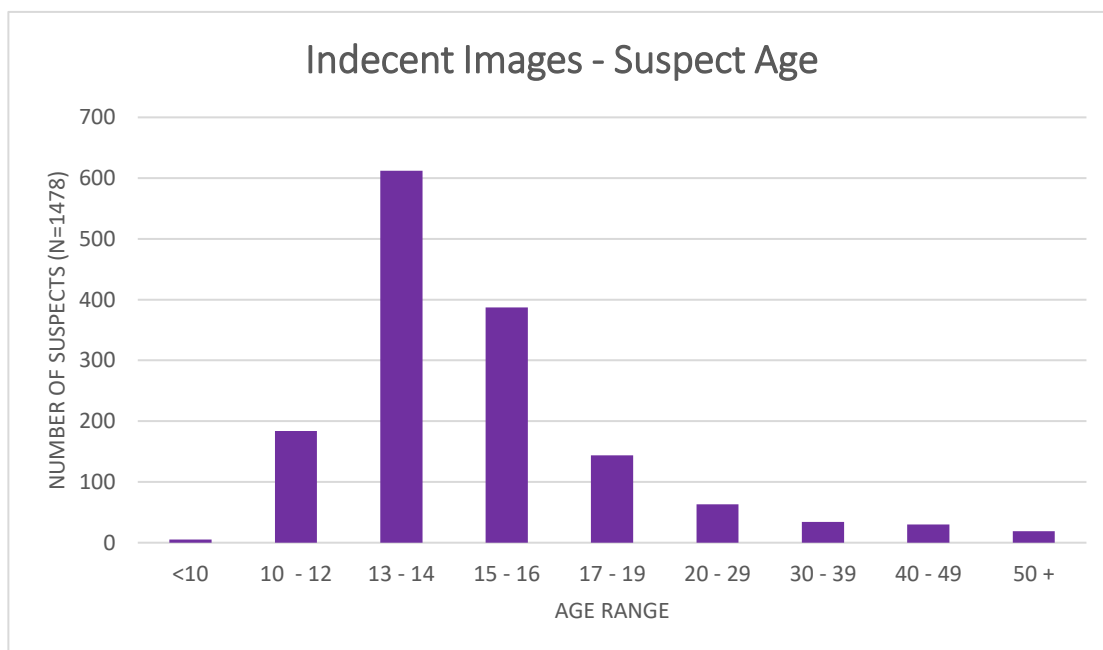
Of the age ranges considered in this research, the largest group of victims were 13-14 accounting for 44.4% (n=1006) of total victim figures. A pattern has formed with the number of victims increasing amongst the age groups, peaking at 13-14, then falling with 17-18 making up the smallest portion with 8.6% (n=196). Whilst 13-14 is, by a significant margin, the majority group, there are still a substantial number of victims who fall outside of these margins, with each other age group (10-12, 15-16 and 17-18) comprising of victims in their hundreds.

The influence of other image-based sexual abuse legislation such as disclosing private sexual images and upskirting may impact on how cases are affiliated to different offences, for instance, police officers may be more inclined to label a crime as indecent images if the victim is younger, regardless of whether the context of the case reflects either of the other offences. I would hypothesise that the

nature and attributes (such as the age of the victim) of each offence, whilst many overlap, would affect the police recording process. Here we are starting to see the impact of police discretion, with the possible similarities between each offence, officers will be deciding themselves how they are recorded. It could be that images being shared of younger people are, in the police's eyes, considered 'indecent'.

### 5.2.4 Suspect Age

Figure 3



Whilst the age range considered for suspects is much wider than victims, 13-14 still emerges as the largest group at 41.4% (n= 612), which is a similar percentage to those recorded as victims. Suspects recorded above 30 collectively accounted for 5.6% of the total (n= 83) which would most likely reflect the common perception of what this offence is used to prevent, older men preying on younger children. Whilst this research is predominantly focused on peer abuse, the evidence above makes it clear that 10-18-year-olds remain vulnerable to abuse from older individuals.

With the other largest groups being 15-16 and 10-12, there is most likely a strong need for attention on the prevalence of harmful sexual behaviour amongst young people. These figures reinforce previous research stating that 'at least one third of all sexual offences against children and young people in the UK are committed by other children and young people' (Hackett, et al. 2016, p. 12). Further to this, it has been found that of those children who had experienced contact sexual abuse, 65.9% had been perpetrated by under 18's (Radford, et al. 2011).



As mentioned, these figures are solely relating to offences committed against victims between 10 and 18, 3 forces (not included in the above) did not limit their figures to this age group and yet young people between 10 and 18 were still recorded as most likely being suspects. This discovery is reinforced by further research into image-based sexual abuse where it was found that young people are more likely to be perpetrators (Powell, et al. 2020).

### **5.3 Disclosing Private Sexual Images**

Disclosing private sexual image(s), or colloquially – and incorrectly – referred to as so-called ‘revenge porn’ was made illegal in 2015. As mentioned in Chapter 2, there are limitations to the law with the perpetrator’s intention being to cause distress, this will have a direct impact on how the cases are recorded. With regards to victims between 10 and 18, they accounted for 13.3% of total recorded cases.

Table 6. Portion of Disclosing Private Sexual Image(s) Offences Where the Victim is Between 10-18		
All ages	Victim between 10-18	
	n	Proportion
1988	264	13.3%
*17 forces responding		

#### **5.3.1 Victim Gender**

Of the 326 cases, 85.3% (n=278) were female and 14.7% (n=48) were male. In comparison to indecent images (76.7%), this is a larger portion of female victims. There are complications with making direct comparisons as there is a stark difference in the number of cases included, however, this may be due to the relative newness of disclosing private sexual images becoming illegal – outside of attempts in the past of seeking prosecution through communications legislation (McGlynn and Rackley, 2017). Male victims were still present (14.7%) whilst at a slightly lower percentage than indecent images (23.3%). There has been an increase in the awareness of male victims of disclosing private sexual images in recent research (see Powell, et al. 2020).

Table 7. Disclosing Private Sexual Images – Victim Gender				
Total Victims	Female Victim		Male Victim	
	n	Proportion	n	Proportion
326	278	85.3%	48	14.7%
*20 forces responding				

### 5.3.2 Suspect Gender

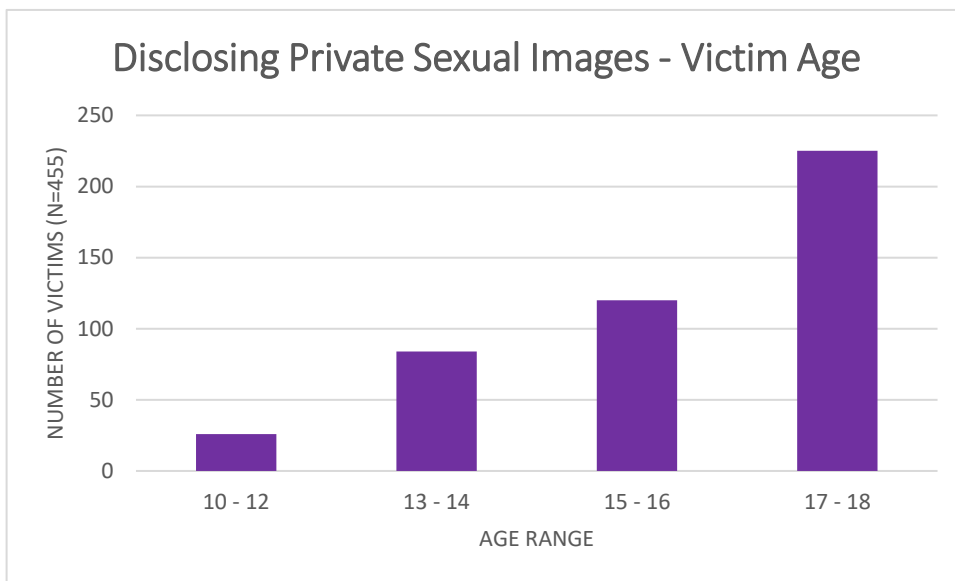
Male suspects amounted to 77.7% (n=129) of all suspects and female suspects 21.3% (n=37). Similar to indecent images, there is a smaller margin between male and female suspects than male and female victims, however, there are a smaller number of female suspects recorded here in comparison to indecent images (35.4%).

Considering the number of female suspects, it can be argued – as with indecent images – that there will likely be cases of female victim(s) and female suspect(s), it is hard to theorise exactly the specifics of these cases with there being little research in this area, however we too have to wonder how exactly the police are recording these instances. As a whole, taking into account the victim and suspect figures, disclosing private sexual images amongst young people can also be considered a gendered offence, possibly more distinctly than indecent images.

Table 8. Disclosing Private Sexual Images – Suspect Gender				
Total Suspects	Female Suspect		Male Suspect	
	n	Proportion	n	Proportion
166	37	21.3%	129	77.7%
*18 forces responding				

### 5.3.3 Victim Age

Figure 4

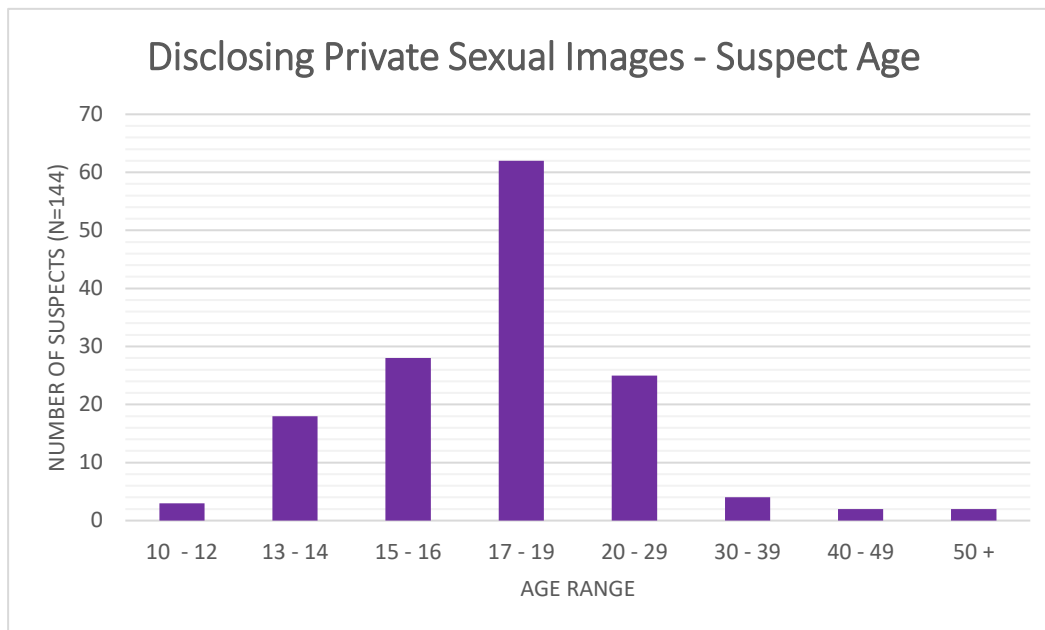


Overall, 17-18-year-olds were most commonly recorded as victims with 49.5% (n= 225) of the total figure. The pattern emerging through these findings is considerably different to indecent images with a slow increase amongst the younger age ranges, peaking at 17-18, almost doubling the number recorded for 15-16 (26.4% n=120). 10-12 was the lowest recorded age range at 5.7% (n= 26), this however does demonstrate that very young people are victims of private sexual images being shared non-consensually and that the age of victims is particularly varied.

As mentioned, it is worth considering the factors that result in police recording cases as disclosing private sexual images rather than indecent images when there is a crossover in characteristics. It is unclear when looking at the statistics alone how the police are reading these cases and identifying the difference.

### 5.3.4 Suspect Age

Figure 5



Similar to indecent images, the most commonly recorded age range for suspects matched that of the victims. Suspects were most frequently recorded as 17-19 with 43.1% (n= 62) of the total figure. There was also an increase and decrease with the figures, peaking at 17-19, in comparison to indecent images, this pattern shifted to slightly older age ranges. Older suspects were also recorded with over 30's accounting for 5.6% (n= 8) of the total figure. Reflecting on this data, it appears that the majority of victims and suspects of disclosing private sexual images are slightly older than the majority of victims and suspects of indecent images.

### 5.4 Upskirting

Similar to disclosing private sexual images, upskirting is a recently established offence, specifically February 2019. For this reason, there were a particularly small number of recorded cases available when requesting the data, alongside a significant number of forces being unwilling to share information due to anonymity concerns. Upskirting offences where the victim is between 10 and 18 account for 44.4% of total cases encountered by the police.

All Ages	Victim Between 10-18	
	n	Proportion
144	64	44.4%
*18 forces responding		

### 5.4.1 Victim Gender

Upskirting victims were again considerably more likely to be female, with the largest majority (91.8%) of the offences analysed in this chapter. There were still instances of male victims (8.2%), unfortunately these recordings did not come with a brief description of the case due to anonymity concerns, however, instances of male victims have been acknowledged in media reports of upskirting; BBC News confirmed that a 15-year-old boy was included in victim figures (BBC News, 2020) and another source stated that a 16-year-old boy was a victim as well as a handful of other males (Meek, 2021). As with all these offences, it is the case that anyone can be considered a victim, with regards to upskirting, this can include those wearing kilts, shorts or cassocks, it is therefore possible that the offences occurred during sporting events or those where specific and/or national dress is worn.

Total Victims	Female Victim		Male Victim	
	n	Proportion	n	Proportion
49	45	91.8%	4	8.2%
*13 forces responding				

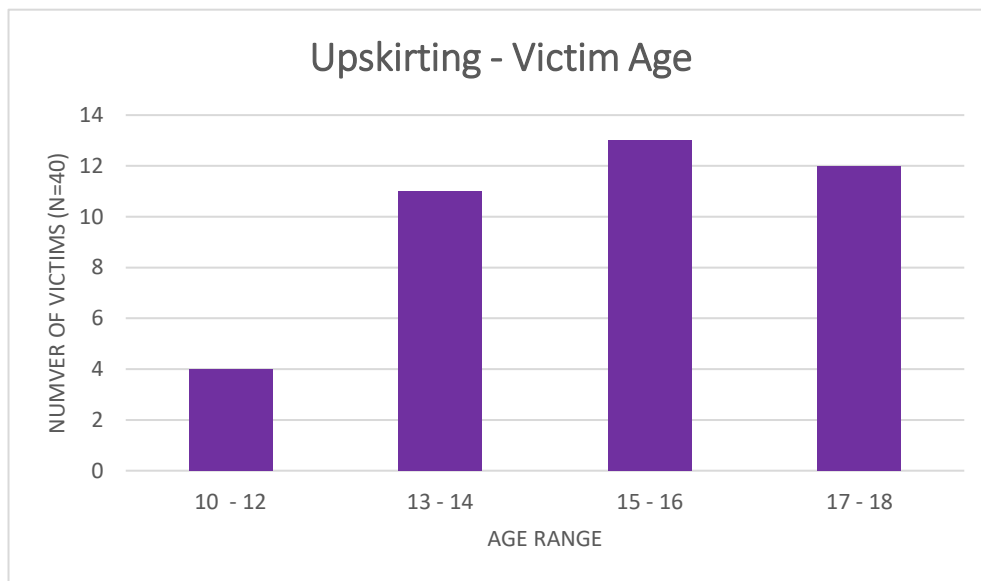
### 5.4.2 Suspect Gender

Following the same pattern of the previous offences, upskirting suspects were more likely to be male, accounting for 82.3% of the total suspects recorded. Regarding female suspects, 16.7% were recorded here (n=3), which is the lowest percentage of female suspects in comparison to the other offences; indecent images – 35.2% and disclosing private sexual images – 21.3%. It can be argued that upskirting is the most overtly gendered offence of the three analysed, whilst there is a small sample number, female victims and male suspects made up the largest portion of the three.

Total Suspects	Female Suspect		Male Suspect	
	n	Proportion	n	Proportion
18	3	16.7%	15	82.3%
*7 forces responding				
**Lower numbers responding due to majority of suspects not being linked				

### 5.4.3 Victim Age

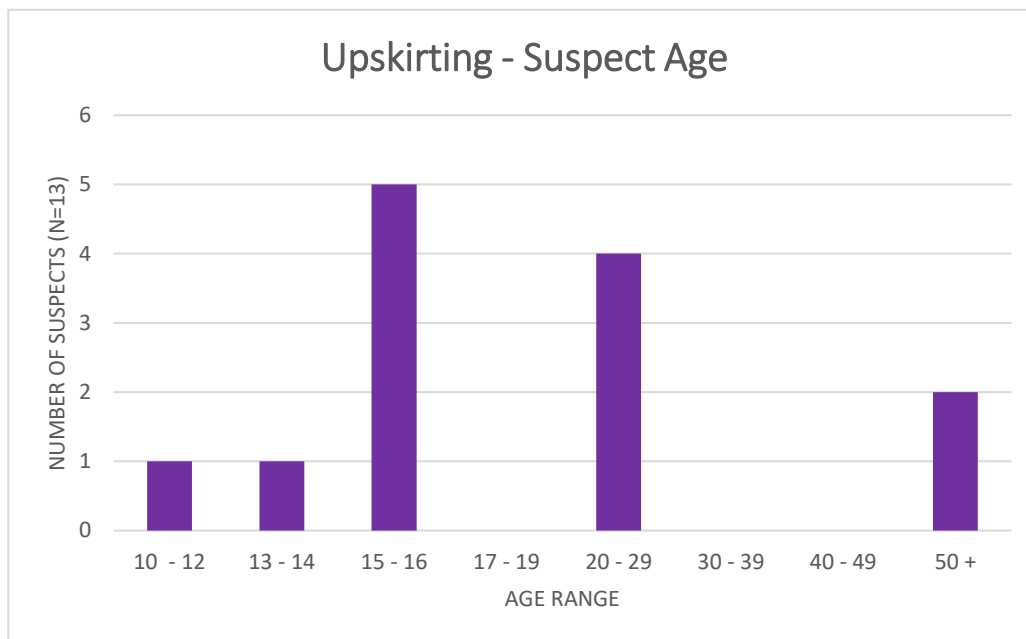
Figure 6



Breaking away from the patterns established by the previous offences, there was a more muted increase and decrease in victim age. The most commonly recorded age was 15-16 with a majority of 32.5% (n= 13), however this is followed closely with 17-18 (30.0%) and 13-14 (27.5%). Whilst 10-12 proved to be the lowest category with regards to the number of victims, accounting for 10.0%, it is still worth recognising that young girls experience this form of abuse. These findings imply that the age of upskirting victims is potentially more indiscriminate in comparison to the other offences, where a pattern has been followed. However, the considerably lower recording numbers can impact on the analysis of patterns as small increases can change the overall picture.

#### 5.4.4 Suspect Age

Figure 7



Unlike other offences here, the age of suspects did not necessarily follow a clear pattern. Although, mirroring what we have seen so far 15-16 was the largest recorded age group with 38.5% (n= 5) of the total, just as it was with the age of victims. This has been a clear consistency amongst all offences and could speak to the prevalence of peer-on-peer abuse. The second largest age group was 20-29 (30.8%) followed by 50+ (15.4%), this deviates somewhat from previous analysis where – when considering offences where victims are between 10 and 18 – the majority of suspects were under the age of 20. Whilst the low number of recordings can impact on the ability to draw any conclusive findings, if these results mirrored larger studies, it is possible to argue that upskirting suspects are likely to either be the same age or older than victims and suspects of the other offences considered here.

### **5.5 Discussion**

#### **5.5.1 Majority of Victims are Female**

The findings in this chapter mirror what we currently know about sexual violence and image-based sexual abuse more widely, that the majority of victims are female (McGlynn and Rackley, 2017; McGlynn and Rackley, 2016; Westmarland, 2015; Kelly, 1987). These results therefore cement that different forms of image-based sexual abuse – encountered by the police – whereby the victim is between 10 and 18, are gendered in their nature. This conclusion does not however deny the

victimisation of men which has previously been described as differing 'in nature rather than extent' (Powell, et al. 2020, p. 1).

Whilst females still made up the majority of victims, across the different offences, the percentage differed. Regarding indecent images, female victims accounted for 76.7% of the total, disclosing private sexual images 85.3% and upskirting 91.8%. It is clear that a gendered element remains, however, this seems to become more apparent as we go along the offences, arguably situating upskirting as the most gendered of the three offences.

It is possible that the characteristics of each offence can inform how they can be perceived to be more gendered. For instance, with the disclosing of private sexual images there is a lot to be said culturally about gendered harmful practices, such as shaming women, or controlling women in relationships (McGlynn, et al. 2019; McGlynn and Rackely, 2017), which could speak to there being a larger number of female victims. Additionally, with Upskirting, similar comments can be made that the act of taking an image up someone's skirt is inherently gendered. Considering this as well as the fact that voyeurism offences in general have been described as primarily targeting women (Powell, 2010) could work to explain how it is that upskirting appears to be 'more' gendered. In comparison, indecent image offences are quite vague in how they can account for numerous actions, as a result it is hard to identify specifically the extent to which these actions can be considered gendered. Overall, whilst there is a degree of difference amongst each offence analysed in this chapter, there is considerable evidence that young women and girls are more likely to be victims.

### **5.5.2 Majority of Suspects are Male**

Suspects were more likely to be recorded as male, which, as with the victim's data, mirrors current understandings of sexual violence and image-based abuse perpetration (Powell, et al. 2020; McGlynn, et al. 2019; Westmarland, 2015). Suspects were however recorded as male at slightly smaller percentages than victims were recorded as female; indecent images 64.8%, disclosing private sexual images 77.7% and upskirting 83.3%. Whilst smaller percentages, this evidence confirms the latter point, that the offences become more gendered as we go along.

There were a significant number of suspects recorded as female; indecent images – with the largest portion – 35.2%, disclosing private sexual images 21.3% and upskirting 16.7%. These findings do not denounce the offences as being gendered, rather, it is possible that female suspects may have internalised harmful gendered viewpoints that enable perpetration, such as the policing of women's sexuality. The acknowledgement of the role of female suspects allows for 'the development of more complex, contextual and layered understanding of the problem' (McHugh, et al. 2005, p. 324).



Recognising the latter and implementing it within the current sex education curriculum for instance would help schools move past strategies which have been described as ‘perpetuating and legitimising male sexual violence against women and girls’ (Zauner, 2021, p. 491). There are outdated narratives channelled through existing educational strategies where the primary focus is on how the victim could have acted differently to avoid the abuse (Zauner, 2021). Whereas if the emphasis was on deterring harmful gendered stereotypes about women or making it clear that sharing images non-consensually was unacceptable act (Albury, 2017), then these prevention strategies may prove to be more successful rather than reinforce ‘hegemonic gender structures’ (Zauner, 2021, p. 491).

### **5.5.3 Victim Age Differed by Offence**

There was a considerable difference as to which age group was more likely to be recorded as victims when we look across the offences; indecent images 13-14 accounted for 44.3%, disclosing private sexual images 17-18 made up 49.5% of the total and upskirting it was 15-16 with 32.5%, however with the latter there was a much smaller margin across the age groups. These findings imply that certain age groups are more likely to be the victims of different offences. Whereas this suggestion is not a deterministic one, as a number of age groups were present in all of the offences, when it comes to prevention, this information will help tailor responses. Reflecting on previous comments about the school sex education curriculum, it could be that different year groups are fed more information about certain forms of image-based sexual abuse, dependent on which ones are prominent amongst young people their age. Beyond providing more bespoke information, this would also improve the specificity and detail in prevention strategies.

Uncertainty does come in when we try to understand how experiences are labelled as indecent images, disclosing private sexual images or upskirting. It can be argued that upskirting and disclosing private sexual images are somewhat clear in their description, however with the legal definition of indecent images accounting for a variety of different actions, this could impact on how offences are characterised. For instance, there may be the inclination to record an offence as indecent images if the victim is younger which could then impact on how we understand the victimisation of each offence.

### **5.5.4 Peer-On-Peer Offences**

It can be argued, based on the findings of this chapter, that image-based sexual abuse offences where victims are between 10-18, are likely to have suspects of a similar age, if not the exact same age group as the victim. This provides a considerable argument for framing some of these offences

as peer-on-peer abuse. The significance of this varied across the offences. For indecent images, the percentage of 13-14 victims (44.4%) was almost mirrored by the percentage of 13-14 suspects (41.4%), regarding disclosing private sexual images, a similar projection is made, the majority of victims were 17-18 (49.5%) as well as suspects (43.1%), albeit a much smaller sample, the same is demonstrated for upskirting, with 15-16 victims (32.5%) and suspects (38.5%).

These results could have a substantial impact on the manner in which sexual violence against young people is dealt with; there should arguably be more attention on the behaviour and attitudes of peers. We have started seeing the outfall of this with Ofsted carrying out an urgent investigation into sexual abuse in schools (2021), but it is likely amongst the police, young people and other researchers, that this is nothing new. Recent studies have noted similar with one investigation into image-sharing amongst young people reporting that images were regularly shared non-consensually between peers (Ringrose, et al. 2021). In addition, previous research has identified comparable concerns, specifically the relationship between sharing sexual images and abuse within young people's relationships (Wood, et al. 2015). Indeed, peer-on-peer abuse is not a new phenomenon, however, it is ever developing in parallel with the rise of technologically facilitated sexual abuse. Consequently, whilst there is still evidence of older individuals preying on young people, as much effort should go into addressing the clearly prevalent image-based peer-on-peer abuse.

#### **5.5.5 Impact of Recent Legislation**

Two of the offences analysed in this chapter have been very recently made illegal, disclosing private sexual images in 2015 and upskirting in 2019. The low figures reported by police forces are likely to be due to the use of these offences not being fully expanded, especially for upskirting as the data in this chapter is taken from 2019. It is also plausible that police forces in the country themselves have not been fully trained to identify these offences which will again impact on the number of recordings. Concerning image-based sexual abuse amongst young people, it may be more easily recognised as indecent images rather than disclosing private sexual images or upskirting due to the obvious characteristics of the image being of a young person and the law specifically accounting for this.

Recent legislation also comes with particular limitations which restrict what actions can be considered under the law. For disclosing private sexual images, this includes the content of the images and whether it is sexual in nature, there is also emphasis on the image being shared non-consensually which, based on the treatment of other sexual offences, is a concern for victims who are usually left having to prove this. Finally, the specific requirement for the image to be shared to cause distress significantly confines the scope of the legislation (McGlynn and Rackley, 2015).

Legislation against upskirting encounters similar shortcomings with the law specifically covering offences when the image is taken for sexual gratification (Biddlecombe, 2018), reflecting the same concerns as the disclosing private sexual images legislation, this overlooks instances where images have been taken as a 'joke' between friends (Biddlecombe, 2018).

These legal failings arguably leave space for the police to negotiate how they are going to record and respond to image-based sexual abuse offences. McGlynn, Rackley and Johnson, described that police officers 'acknowledged that informal responses to image-based sexual abuse were commonplace – particularly due to a lack of available resources and many abuses not being covered by existing legislation' (2019, p. 11). It is possible that the police are employing similar tactics with young people, for instance, if they are not sure whether an action will be covered by the upskirting or disclosing private sexual images legislation, that the *Protection of Children Act 1978* can be used as an alternative. This may be a case of the police attempting to address harmful behaviour, however, it is also an example of the extent to which discretion can be utilised during these cases. It is both the crossover in characteristics between forms of image-based sexual abuse and gaps in legislation that encourage this.

#### **5.5.6 Significant Number of Victims and Suspects Were Not Recorded**

Initially when collating the FOI responses from police forces, many of the categories enquired about came back with 'blank', 'not recorded' or 'no suspect linked'. Whilst this is an interesting development in itself about the consistency of data recording, to ensure that the data presented in this chapter was definitive and based on exact statistics, these responses have been taken out of the overall figures. This is worth mentioning when developing a narrative about victims and suspects as there is still a great deal we are not seeing as a result of these 'blank' responses, although the information that we do have is incredibly useful to map experiences. In the future it may be worth addressing the methods adopted by police to record offences and how certain characteristics of victims and suspects, such as ethnicity, are being disregarded which may negatively impact the ability of the police themselves to fully understand how these offences occur.

#### **5.5.7 Critiquing the Data**

As established, these findings are solely based on police recording figures and whilst, through different decisions, I have processed the data to ensure that which is presented is accurate, concerns can be raised about the manner in which the information has been initially recorded by the police. For instance, looking at the rigid legal classifications, there is the possibility that individuals have either been labelled as suspects when they are victims or vis versa – consider if a young woman,

under duress, sent an image of herself to a young man, she would be recorded as the suspect. I would argue that there are specific categories where this is more prominent, such as gender of the victim as there is a reliance on the police to decide who is the victim, whereas age is an attribute we can be more certain about as there is less discretion present. Many of these concerns can be connected to the context of each case, this, and the recording habits of police forces will be explored in Chapter 6. It is necessary to assess and critique methods of data collection, but the above has provided a foundation of knowledge regarding victim and suspect characteristics of different forms of image-based abuse sexual amongst young people.

## **5.6 Summary**

This chapter presents the results from FOI requests which sought to understand the scale and nature of different forms of image-based sexual abuse amongst young people; indecent images, disclosing private sexual images and upskirting. The findings largely mirror current understandings of sexual violence, however there are significant differences across the offences and important assessments made about the likelihood of peer-on-peer abuse, which has implications for how these offences are responded to in the future. There is also much to be said about the discretion employed by police officers when deciding how offences are to be recorded. With indecent image, disclosing private sexual images and upskirting having shared characteristics, there is room for the police to utilise their own judgement in responding to cases, this will be addressed in Chapter 7. The next chapter will unpack some of the contextual complexities with youth image-based sexual abuse, exploring how context can inform our understanding of these cases.

## Chapter 6: The Situational and Individual Context of Youth Image-Based Sexual Abuse

*'We like things to be black and white...that's probably not the case when it comes to children sending images to each other' (Police DS 17)*

### **6.1 Introduction**

The previous chapter presents an empirical and quantifiable picture of youth image-based sexual abuse. That information is invaluable in providing a base understanding of the extent and nature of the problem, in this chapter however I will go beyond numerical data to assess the context of youth image-based sexual abuse. I have framed the following as the situational and individual context of youth image-based sexual abuse, with situational referring to the circumstances or environment and individual concerning identity. Here I will be exploring factors such as intimate relationships, the school environment, gender and sexuality, all which can impact on the way that individuals experience youth image-based sexual abuse. By delving into these themes, I intend to develop a more three-dimensional understanding of how young people experience image-based sexual abuse, reflecting on both how current research can understand these experiences as well as how in cases young people are in an individual and singular situation. Holistically, it will be demonstrated why it is integral that context is considered in these cases.

### **6.2 Why Is Context Important?**

It was mentioned in the previous chapter that there is the possibility for considerable overlap between indecent images, disclosing private sexual images and upskirting offences, this is particularly influenced by the fact that there remains no specific legal definition for 'indecent' and therefore police are left utilising their own discretion regarding how these offences should be recorded. It is because of this overlap and blurring, that context is so important. Within these three offences there are many different forms of image-based abuse, and the table below – which contains a subset of 100 cases taken from police FOI responses where a brief description of the case was provided – is evidence of this.

**Table 12****FOI Example - Subset of 100 Cases from FOI Responses Portraying Varied Context**

Description**	Victim Details		Suspect Details		Form of Abuse/Experience*
	Age	Gender	Age	Gender	
Person has googled two images of naked adult men he has screen shot these images and then super imposed the head of his friend	-	-	-	-	Pseudophotograph/ 'Fakeporn'
15 year old female and male pupil at school send each other sexual messages and exchange indecent images of each other	-	-	-	-	Consensual sharing of images
Suspect identified has coerced the victim into sending a nude photograph of herself	13	F	17	M	Images sent under duress/coercion
Victim and suspect are ex partners victim was informed by bestfriend of an indecent video being posted to a pornsite by suspect about victim. Victim is 15 years old	15	-	-	-	Non-consensual sharing of images/videos
Between times and date stated, suspect records video of victim whilst intoxicated. Victim is on the floor with her__suspect keeps the video and demands money from victim to not post the video	-	-	-	-	'Sextortion'
Suspect named has pushed his mobile phone under the cubical where the victim was changing with the camera pointing upwards	-	-	-	-	Voyeurism
* Classifications solely based on police recording information					
** Descriptions from police FOI responses					

Further to the descriptions in table 12, after assessing the context of the total 100 cases, 42% could be considered non-consensual sharing of images/videos, 17% non-consensual sharing of images/videos and non-consensual filming, 9% consensual sharing of images, 8% images sent under duress/coercion, with the remaining 24% accounting for sexual assault, cyberflashing, voyeurism, threats to share images, 'sextortion', 'fakeporn' and more, which didn't fall under these categories. It is worth noting that the classifications I have made here are solely based on the brief information police provided within the FOI. It is entirely possible that the 9% of cases which read as consensual sharing of images/videos could have a coercive undertone which has not been recognised within the description. Furthermore, within each of these offences there is the possibility for a continuum of experiences. Take for instance the 'sextortion' example in the above table, it is highly likely that the video which the victim is being threatened with was recorded non-consensually, and we are also unaware of the circumstances in which the victim was intoxicated. These contextual factors are key in understanding the full complexity of youth image-based sexual abuse.

Considering the evidence here points to a varied context of youth image-based sexual abuse, 50% of the 100 cases were recorded by police as indecent images – I am unable to provide an exact figure as some of the information about the offence recorded was rescinded due to anonymity. Subsuming the different types of abuse under ‘indecent images’ means that immediately this vital information about the differing experiences of young people is lost and almost misrepresented. Rather this data reinforces my suggestion that youth image-based sexual abuse needs to be situated within the continuum of image-based sexual abuse (McGlynn, et al. 2017). Many of the actions described within the continuum are present here, furthermore the recognition of youth image-based sexual abuse on the continuum would address the fact that currently police recording does not acknowledge the contextual complexities of young people’s experiences.

### **6.2.1 Consideration of Format**

It was established in Chapter 2 that as platforms on which ‘sexting’ takes place have changed over time, from Blackberry Messenger (Ringrose, et al. 2013) to Snapchat (Handyside and Ringrose, 2017), so too has the format. Originally definitions concerned the sending and/or receiving of sexual images and texts (Wood, et al. 2015), whereas we can see from table 12 that videos are now accounted for in cases of youth image-based sexual abuse. A participant noted the change in format and young people’s interests:

‘I’ve heard on quite a few occasions recently that there has been quite a lot of video sharing...way more than we’ve heard about historically...recently it seems to be more of a filming thing...more of a secretly filming someone having sex...I feel a little bit like the static image is historic now, even a flat screen...I’m hanging out in VR...we are in a world where we are going into what realms of VR environments, 3D’ (Practitioner 12)

The commentary above is coming from an individual who works directly with young people, it is interesting to hear from them that they are witnessing a change in the content that young people are preoccupied with, especially that this could be influenced by a more wide-ranging development in technology, pushing young people towards three-dimensional content. This speculation by Practitioner 12 is further reinforced when we assess the 100 cases taken from FOI responses. 65% of these cases referred to image(s), which remains the majority, however, 30% concerned videos that had been non-consensually shared and/or filmed, 3% of cases referred to an image and a video and 2% were unclear. A total of 33% of cases concerning videos – if we collate the 3% of cases where an image and video were involved – is a considerable number and when we reflect on the latter concerns that these cases are being predominantly grouped under ‘indecent images’, we can see that police recordings are further removing important contextual factors.

It is possible that the increase we’re seeing in videos being used is connected to pornography and the regular fetishization of young women in image/video media. Recent research into mainstream pornography and sexual scripts found that ‘teen’ was the most common word in both the project’s ‘entire data corpus...and the sample coded as describing sexual violence’ (Vera-Gray, et al. 2021, p. 7). The researchers later stated that ‘while many of the videos entitled ‘teen’ can be used legitimately to refer to actors over eighteen and over the age of sexual consent, much of the material still promotes a sexual script premised on underage participants or coercive circumstances’ (Vera-Gray, et al. 2021, p. 13). Subsequently, it is worth contemplating how this narrative has an effect on young people who are viewing this content and whether it influences their view of women and further to this, legitimises the digital sexual abuse that can be committed against young women through images and videos.

### 6.2.2 Inflexible Perception of ‘Victim’ and ‘Suspect’

It has been established so far that acknowledging the context of youth image-based abused is important for both identifying the specific experiences young people have as well as the format used, and this is the case too for accurately recognising victimisation. Whilst the National Crime Recording Standard and Home Office Counting Rules for Recorded Crime have clarified whether crimes should be initially recorded and how they should be counted, this clarification is not extended to the details of each crime, which can be decided by individual police forces, including the classification of who involved is a victim or a suspect (Hales, 2018). The table below demonstrates how the recording of ‘victim’ and ‘suspect’ by the police can distort the experiences of young people and prove to be both inflexible and inappropriate.

**Table 13**

**FOI Example – Victim and Suspect Classification**

Description*	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Suspect named has sent a nude picture of herself to the victim. This has been done under duress	16	M	13	F
Suspect named has sent inappropriate images to a male student. Suspect stated he had asked her for a picture and if she didn't send him one there would be consequences	15	M	13	F
Suspect named sent a naked picture of themselves to the victim after being pressurized by the victim	12	M	15	F

\*Descriptions from police FOI responses

Each female in the examples above has been recorded as sending images ‘under duress’ or after being threatened, which would be considered abusive and coercive behaviour, yet they themselves



have been listed as the 'suspect' in each case. This is most likely a reflection of the *Protection of Children Act 1978* in which distributing 'indecent images' is an offence, however, the recording decisions made here do not necessarily consider the circumstances and context in which the images have been shared. During situations such as the ones included in table 13 the police should be acknowledge broader factors of peer-on-peer abuse or wider pressure from peer groups which can enable and encourage abusive behaviours (see Firmin and Lloyd, 2017 for a study of how harmful sexual behaviour can be reinforced by peer groups), rather than taking a clinical approach to the recording of 'victim' and suspect'. Indeed, there have been many discussions over the years as to what is appropriate terminology in cases of violence and abuse, because language helps us identify experiences and its impact, however its purpose can clearly vary from individual to institution. The individual may determine their experience or make sense of it through language (Young and Maguire, 2003), whereas institutions such as the police or the criminal justice system will use blunt and descriptive language which is reliant on requirements, such as those in the *Protection of Children Act 1978* or *Criminal Justice and Courts Act 2015* with regards to disclosing private sexual images to cause distress.

The above highlights how labels and terminology can themselves not necessarily be representative of the reality of youth image-based sexual abuse. In the field of 'indecent images' this is particularly intricate as a result of technological developments and a considerable portion of young people's lives taking place online, alongside the expected development of digital sexual intimacy. Whilst the argument can be made that the legislation was not crafted with this in mind, it is worth questioning whether changes should be made to ensure that the harms young people experience are fully realised and that they are protected from being unnecessarily policed. This is particularly important when young women are having their harms denied and being recorded as suspects. Further to this, unfit terminology can have an impact on how survivors recognise their experiences and whether they end up internalising shame and blame, something which – especially when discussing sexual offences – should be actively prevented.

### **6.3 Situational Context**

The following themes concern the situational context of youth image-based sexual abuse. Here I will be exploring how youth culture and digital intimacy as environmental factors can impact on experiences of youth image-based sexual abuse, as well as how other's opinions of youth culture can influence the perception of harmful behaviour. Additionally, there will be a focus on the significance of the school environment with regards to the atmosphere it creates which has the possibility of enabling and encouraging youth image-based sexual abuse.

### **6.3.1 Young People's Culture and Environment**

Age is unsurprisingly a crucial element to these cases, this is both from a legislative and cultural aspect, with young people having their own distinct social norms and behaviours. Unpacking these themes allows us to explore how the outward perception of young people impacts on the responses to these cases as well as the extent to which features of youth culture can enable image-based sexual abuse.

#### **6.3.1.1 Youth Digital Intimacy and Autonomy**

The age range that this research is focused on is a tumultuous one, there are many first-time experiences that young people have whilst being between 10 – 18 and it is important, whilst acknowledging the harm that is experienced when images are non-consensually shared, to also recognise that young people will be beginning to explore their sexuality. Participants pointed out how technology is now interwoven with dating culture:

‘Everything that we used to do in the 60’s, is now online...is the legislation out of date...we do have to review who we criminalise...an act as silly as it is, with no intent to exploit or abuse anybody...you are stigmatised for the rest of your life’ (Police Staff 6)

There is a suggestion here that many of the behaviours we are discussing are not necessarily new in their intentions, rather the environment in which they take place has changed over time with an added accessibility through online platforms. However, much of this statement is generalising that there is a ‘silliness’ or lack of intent with these actions. We can see from FOI data that youth image-sharing has the potential to be incredibly harmful, whilst there can be instances where image-sharing from both parties is consensual and police involvement would be unnecessary or punitive, grouping these actions together is unhelpful and simplifies what we know to be a very complicated context.

‘Debate to be had...when we are dealing with teenagers, we don’t automatically go for an arrest...their boundaries...exploring sexuality...now with technology, people will explore’ (Police Staff 6)

The participant here is again recognising that young people’s dating culture and exploration of sexuality has evolved with technology, there is also an acknowledgement that behaviours such as this should not be automatically treated in a punitive way. It is interesting that police officers are clearly aware of the complication of youth image-sharing, yet they are still operating from out-dated legislation.

When considering youth autonomy, a key age that has been referenced is 16:

‘You can do a lot of things at 16’ (Police DC 2)

The participant is referring to 16 being defined as the ‘age of consent’ (Waites, 2004) which confirms that young people at this age or above may engage in consensual physical sexual activity (see section 9 of *Sexual Offences Act 2003* for the use of 16 as a requirement), but at the same time, due to the *Protection of the Children Act 1978*, cannot consensually share sexual images with each other. This is therefore a dichotomy that can be quite dubious; why is it that young people at the age of 16 can have the autonomy to partake in physical sexual activity, but this cannot be translated online?

Following on from the concern that police reveal regarding their involvement in cases where images have been shared consensually, young people’s privacy was also referred to:

‘There are of course cases that added intrusion, by police...our kind of involvement could border...stepping the mark in order of their own privacy’ (Police DS 4)

If it can be argued that dating culture and the exploration of sexuality, including youth experiences, has in a large part moved online, in response to this it is worth thinking about one’s right to privacy. Considering cases of the consensual sharing of images, if they are encountered by the police, which could very well be the case due to legislation, those images will then be viewed by a wider audience, arguably contrary to what the young people involved would want. In this case and many others, we have to weigh up the importance of police involvement and young people’s right to privacy in their digital lives, and whether it is suitable that in every instance this be traded for a commitment to legislative boundaries that have been recognised as inappropriate.

### **6.3.1.2 Perceptions of Young People’s Practice**

Almost in contradiction to the comments made about young people’s privacy and autonomy, there were occasions where young people’s practices, such as image-sharing or having their images non-consensually shared, were downplayed, or reduced to examples of childish behaviour.

When asked about who the police most commonly come into contact with when images were shared, one officer responded:

‘100% teenagers...14 to 15 years old seems to be the...14, 15- to 16-year-olds seem to be idiots’ (Police DS 21)

‘You’ll have to ask a neurologist about their temporal lobes at that age’ (Police DS 21)

These comments are littered with a heavy amount of victim-blaming, so whilst there is recognition amongst the police that young people are capable of having sexual autonomy, at the same time they are being ridiculed if they partake in the behaviour. It can be argued that the participant was

referring to images being non-consensually shared, however there is no specificity and again we are seeing the concerns with grouping many different actions together whereby young people's intentions are generalised without consideration.

In line with the above, there were arguments made that these actions are inevitable if young people are given devices:

'I think it's fairly sad, but it's also the world we live in...if you are giving teenagers phones'  
(Police DC 7)

The suggestion that images being shared occurs because teenagers are given phones harks back to the victim blaming narratives we have seen. These comments seem to also be made in a patronising manner, with the presumption that young people don't know better. This observation that young people partaking in image-sharing, consensual or non-consensual, is the result of their inability to understand the situation, due to their age, reduces the complexities that are present within these practices, such as whether coercion was involved, if the two parties were in a relationship and how consent was negotiated.

'A lot of the time...this seems to be becoming...more and more of a standard thing for kids to do...now because it's so easy...it seems to be quite a common thing to do' (Police DS 17)

'We're experimenting on these kids...here have a smart device...when we were kids...it wouldn't be recorded forever...these kids don't have that, everything they do and say now is recorded and recorded permanently' (Police DS 21)

Generally, the police are proposing that image-sharing amongst young people is a norm now, that young people are in a position where they are exploring their sexuality and have access to online platforms or websites where the boundaries can change. However, the above comments are delivered in a manner that isn't sympathetic or informed by young people's culture, rather there is a significant degree of belittling and victim blaming occurring. Additionally, these remarks seem to be in opposition to those included earlier where officers were understanding about young people's sexual autonomy. Holistically, these binary viewpoints can possibly limit the likelihood of cases of youth image-based sexual abuse being dealt with in a nuanced way, rather employing a blanket 'don't do it in the first place' strategy.

### **6.3.1.3 The School Environment**

The school environment is integral to young people when forming societal and cultural norms. It also has the potential to act a catalyst for the occurrence of youth image-based sexual abuse, providing a possible location for abuse to take place, for the suspect(s) and victim(s) to interact and a widespread audience for media to be non-consensually shared.

**Table 14****FOI Example – Youth Image Based Sexual Abuse Within School**

Description*	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Suspect named has sent screenshots of a picture to his friends showing the breasts of a fellow female student at his school	16	F	16	M
Suspect named has shared indecent image of the victim with other pupils at the school they both attend	17	-	17	M
Suspect named has sent a Snapchat video to other school students which appears to show three males under the age of 18 and one female under the age of 18 engaging in sexual activity including penetrative and oral	14	F	15	M
Suspect unidentified has requested the victim send him a naked picture, the victim has sent a topless photo this photo is circulating the school	14	F	13	M
Suspect unidentified has been found showing a topless photo of the victim to other students. This photo is circulating the school.	14	F	14	M

\*Descriptions from police FOI responses

The table above presents examples from FOI responses where schools were specifically mentioned in case descriptions. Overall, from the 100 cases analysed, 22 included references to educational institutions – 21 schools and one college. Schools here were central to media being non-consensually shared, as we can see from the above, school peers were a common group for abusive material to be circulated among. It can be argued that this speaks to both the ease of sharing images with peers, as well as the shame, degradation and humiliation that is encouraged and been noted in previous research (Lloyd, 2020; Ringrose, et al. 2013). There is also a clear gendered pattern in the examples above, girls were more likely to have their images shared and boys were likely to be responsible for sharing the images. These findings reinforce those presented in chapter 5 whereby youth image-based sexual abuse is a gendered offence. However, here we see that this gendered nature is not only present in the statistics but also in the manner in which these images are being shared within the school environment. This mirrors findings by Ringrose, et al. 2013, where they equated the gendered sharing of images to being ‘traded like currency’ (p. 319) in that these images of girls bodies are viewed as ‘highly valued commodities’ (p. 319).

A police participant too noted that images have been taken and non-consensually shared within schools:

‘Photos of someone kissing someone sent around the class...a consensual kiss...but it’s been sent to all the classmates’ (Police PC 20)

This example considered with the above in table 14 demonstrates the range of media that is shared within a school environment. For instance, the police officer refers to an image of a consensual kiss, which is of stark contrast to a nude image and/or video. However, there is a common theme in how private media, no matter the content, is shared amongst school peers. The evidence here cements the school environment as playing an integral part in the perpetration and facilitation of image-based sexual abuse. It is possible that this is the result of schools being central to young people's socialisation and where they spend a considerable amount of time in their youth, consequently it may present itself to young people as an audience for images to be non-consensually shared. It can be argued that the school environment is a 'microcosm of society' as a whole and therefore the misogyny and pervasive sexism that is witnessed and experienced will itself manifest between young people in their everyday environment (Ringrose, et al. 2021). Whilst the new sex and relationships education curriculum has sought to address themes such as image-sharing and healthy relationships, it can be questioned whether this is enough to fully dissect and tackle the cultural factors in which image-based sexual abuse exists.

This section has made it clear that there are specific age-related factors which both influence the police responses to youth image-based sexual abuse as well as the context and environment in which the abuse takes place. There are almost contradictory opinions held by the police about young people, that they are of an age where they will be exploring their sexuality yet at times when they do, it is reckless, or if they experience image-based abuse it is because they were given access to smart phones too early. These opposing views likely result in an inconsistent or fragmented approach to policing youth image-based sexual abuse. There is also the risk that these opinions can skew police and dampen the seriousness or trivialise young people's experiences. Further to this, the school environment is central to the experience of youth image-based sexual abuse. As a setting it situates both the peer groups in which the abuse can possibly take place as well the wider audience for these harms to be extended.

#### **6.3.1.4 Discussion**

Understanding cultural influences in instances of sexual offences can broaden our understanding of how abuse is enabled and experienced. Young people appear to be in a somewhat unique position in that they are responded to in a specific manner and spend substantial time within environments that are fashioned by their own culture and norms.

We can see from the police responses to young people that there is an arguable tension between officers understanding that young people will explore their sexuality, but equally that they should monitor their own behaviour. This reflects the victim blaming which adult victims of image-based

sexual abuse have reported experiencing. For instance, a number of victims who reported their abuse to the police recounted being shamed for their behaviour and facing comments that they 'should've been more careful' (McGlynn, et al. 2019, p. 10). The specific difference with the comments we see in section 6.3.1.2 is that the victim blaming is largely framed by young people's ages, consequently there is an element of patronisation. Whilst it is true that both adults and young people experience victim blaming, the police suggesting that the combination of young people's ages and their access to technology contributes to the abuse is reminiscent of Crawford's comments that technology is a plaything for children (2006, cited in Albury, 2017). The acknowledgement of young people's digital sexual autonomy needs to be reaffirmed without the tendency to then minimise young people's harmful experiences. Similar points have been made over the years by researchers stating that there needs to be a recognition of youth digital sexual autonomy as well as the impacts of abuse (Dobson and Ringrose, 2015; Albury, 2017; Setty, 2019). It is for the police to internalise this to ensure that they are fully responding to these cases in a manner that does not endure gendered victim blaming narratives.

There has recently been an influx of reports and press addressing the pervasive sexist culture within UK schools. The website Everyone's Invited, created by Soma Sara, was formed as a space for survivors to share their experiences of rape culture during school and university. Today (2<sup>nd</sup> August 2022) there are 50,046 submissions (Everyone's Invited, no date). Further to this, there have been a number of reports in the news documenting sexual assault and abuse, including emotional abuse, rape and harassment (Price, 2021). As mentioned earlier, schools are a 'microcosm of society' (Ringrose, et al. 2021) therefore it can be argued that the same sexist issues will be presented, however, it appears that due to the centrality of schools in examples of image-based abuse [Table no.] there is more to this environment than a reflection of society. The school setting can be seen as a catalyst for toxic masculinity and rape culture; 'photos do not inherently possess the power to humiliate, but the environments in which they are shared can work to empower them' (Lloyd, 2020, p. 785), in turn contributing to the 'cultural scaffolding of rape', where 'binary norms of masculine and feminine identity, embodiment and sexuality provide fertile "conditions of possibility" that both enable and obscure rape and sexual coercion' (Gavey, 2018, p. 227). In this instance, regarding non-consensual image sharing, the school environment reinforces wider gender norms with boys being 'in a position to use media evidence of girls' sexual communication to gain recognition and reward, and to shame girls they know at school' (Dobson and Ringrose, 2015, p. 14). Further to this, the school community provides an audience for images to be shared as well as victims to be shamed through identification, further evidenced by the existence of 'bait out pages'. These can be described as 'young people setting up a page or group on social media for people in their school or local area

to share sexual gossip or images' (Project deShame, 2017, p. 48). It has been reported that 39% of UK 13-17 year olds responding to a survey confirmed they had 'witnessed people setting up a page/group on social media in the last year for people in their school to share sexual gossip or images' (Project deShame, 2017, p. 49).

The above discussion is bolstered when we take into consideration the recent findings from the Ofsted report into sexual abuse. Of the girls who were surveyed, 88% had been sent pictures or videos non-consensually, 80% had been put under pressure to send images, 73% had their images or videos circulated and shared non-consensually, 59% had pictures or videos taken non-consensually and 51% had pictures or videos that they had no knowledge of, circulated (Ofsted, 2021).

Additionally, connections were made between the commonality of sexual harassment and the 'normalisation of harmful sexual behaviour and unhealthy cultures within school' (Ofsted, 2021). Whilst some staff members were, to an extent, unaware of the pervasive abuse occurring, young people themselves described it as an everyday experience. There was also frustration from young girls who believed that the school should be doing more to educate young boys on harmful sexual behaviour (Ofsted, 2021).

Overall, there is a considerable amount of evidence that suggests the school environment contributes to and fosters a context where sexism and gendered abuse is widespread. This, demonstrated through the harassment and abuse evidenced across different sources, has specifically created 'conditions of possibility' (Gavey, 2018, p. 227) which encourage the occurrence and normalisation of youth image-based sexual abuse.

### **6.3.2 The Wider Context of Relationships**

Mirroring many other sexual offences, a crucial aspect of youth non-consensual image sharing that should be developed further is the context of the relationship in which the image sharing takes place. Understanding whether there is an association between the victim and the suspect provides an insight into how the image sharing occurred and to what extent it was consensual. Knowing the wider dynamics of relationships, intimate or not, helps to recognise whether the image-sharing is a facet of a larger pattern of abuse, ensuring that the victims receive the appropriate help and preventing misguided classifications.

#### **6.3.2.1 Existence of an Intimate Relationship**

One participant clearly stated that '*image sharing is a feature of young people's relationships*' (Practitioner 12), citing that the action of sending intimate images is part of young people's dating



culture; *'why are they sexting...the context is dating, the context is relationships...they are doing what teenagers have always done'* (Practitioner 12).

This was also acknowledged by a police participant; *'usually has been a relationship between the victim and the suspect'* (Police DS 21). There were also occasions where a relationship had been recorded in the FOI responses.

**Table 15**

**FOI Example – Existence of Relationship**

Description*	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Suspect and victim are in a relationship. Suspect is 15 years of age and has sent an indecent image of herself to the victim	-	-	15	F
Victim and suspect have been in a brief relationship of less than two weeks. During this time they have exchanged videos of a sexual nature. Male party threatens to post video online due to the recent break-up	-	-	-	M
Suspect name sent the victim six unwanted photographs of his penis since their relationship ended approx 3 months ago and sent numerous other unwanted text messages making sexual statements "I want to be on top of you" And other sexual comments	13	F	12	M
*Descriptions from police FOI responses				

Within these examples we can see how the proximity of a relationship impacts on the experience of image-sharing and image-based sexual abuse. The first example included in table 15 objectively seems that the image has been shared possibly consensually with the two individuals being in a relationship, whereas the second example evidences what we know of image-based sexual abuse more widely, where ex-partners have threatened to share private sexual content (McGlynn, et al. 2019). The third example indicates that different forms of image-based sexual abuse are present with the suspect non-consensually sharing images of his penis, defined as cyberflashing (McGlynn and Johnson, 2021). Additionally, this latter example informs how youth image-based sexual abuse can occur within a continuum alongside other forms of abuse such as sexual harassment and stalking. These examples also illustrate how youth image-based sexual abuse can manifest in different forms within a relationship, there is not one set experience. It is not typically the case that victims experience a singular form of image-based sexual abuse (McGlynn, et al. 2019).

Whilst interview participants were aware that image-sharing can predominantly take place within the confines of intimate relationships, it is interesting to note that the nature of their knowledge

differed depending on profession. The police and police records were more likely to be objective about the existence of a relationship, whereas youth-facing advisors were more aware of how image-sharing is an integral piece of adolescent dating culture and therefore would translate into their relationships.

### **6.3.2.2 Abuse in Relationships**

Following on from the evidence in table 15, participants were able to recall instances in which image-sharing had been a characteristic or factor of abuse within intimate relationships:

Practitioner 11 recalls conversations with young women where there seems to be a coercive backdrop to the desire to share intimate images with their partners. These young women were worried that they would lose the affection of their partner or that they may have been deceived into sending images, under the impression that 'he really loves me'.

'There's definitely he won't like me...I don't know whether he wants me to do it because he really loves me...that's definitely there...' (Practitioner 11)

Referring to a specific case, Police DS 21 describes both non-consensual taking of intimate images, non-consensual sharing of intimate images as well as physical and emotional abuse. This example highlights how interwoven different forms of abuse can be, inclusive of image-sharing, all of which can take place across different platforms.

'They'd been on video call...he's taken screenshots of her...when they've split up, he's shared screenshots of her...threatened her...and then he grabbed her by the throat...'  
(Police DS 21)

Looking at image-sharing holistically, Practitioner 12 describes the motivations of perpetrators when non-consensually sharing intimate images and how this emerges in relationships.

'All of the examples I came across were between partners or ex-partners...hold control over them...humiliate them...whilst the image may have been consensual...obviously it would have been shared non-consensually' (Practitioner 12)

What we can see from these examples is that image-sharing – whether the image was initially shared consensually or not – can become and can be a feature of all forms of abusive relationships. The nature of the abuse appears to vary from boys coercively acquiring sexual images from girls to image-sharing being present within physically abusive relationships as well as ongoing experiences of coercive control. Understanding and acknowledging this is key to fully realising the complex nature of youth image-based sexual abuse. Rather than viewing image-sharing itself as a singular action, to fully appreciate the dynamics, harms and experiences of those involved there needs to be a wider acknowledgement of the relationship context in which it takes place.

### 6.3.2.3 Abuse in Friendships

Beyond intimate relationships, there was also evidence of youth image-based sexual abuse within friendships, as young people were using intimate images as a tool in arguments:

**Table 16**

**FOI Example – Youth Image-Based Sexual Abuse Within Friendships**

Description*	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Victim and suspect were friends but have had a disagreement. Suspect is posting inappropriate pictures of victim on social media site Snapchat	-	-	-	-
Victim and suspect are friends that have fallen out. Victim has sent a photo of her without a top on previously. Suspect has now sent this round victim's school because they have fallen out	-	-	-	-

\*Descriptions from police FOI responses

A further example of youth image-based abuse within friendships was depicted in the popular Netflix show *Sex Education*. The episode in question focuses on a young woman – Ruby – whose intimate image has been sent around her school by an anonymous individual – her close friend Olivia – threatening to reveal Ruby’s identity unless she apologises. When Olivia is later discovered, she states that ‘you say mean shit to me every day’ and ‘I only did it so she can feel what I feel just for one day’. Whilst this show is fictional, this example does highlight how those who share intimate images non-consensually can rationalise their decision-making and how this can manifest within friendships.

It can be argued that friends may consensually share their intimate images with each other for different reasons to a partner (see Setty 2022), but, as demonstrated in the examples above, this can become abusive if friends fall out and want to hurt each other. Similar motivations were described earlier by Practitioner 12 around humiliation, here we can argue that motivations to share images non-consensually can be similar even when the nature of the relationship differs quite a lot. When recognising the relationship context in which image-sharing and image-based abuse takes place, it is important to extend this to all relationships, not just intimate partners as similar dynamics remain, and it prevents the mistake of presuming that youth image-based abuse can only occur in certain settings, such as intimate relationships.

This section demonstrates why it is important that youth image-based sexual abuse is not viewed as an isolated incident, limiting the understanding of events to the act itself. Whether there is abuse involved or not, subtleties are at play which lead to the practice of image sharing. In the instance of

non-consensual image sharing, there is evidence from the police, practitioners and FOI responses highlighting how image sharing can be an element of a wider context of abuse, this mirrors the findings from literature included in Chapter 2 (see Barter, et al. 2017; Drouin, et al. 2015; Wood, et al. 2015) which strengthens the argument for adopting a continuum approach to understand youth image-based sexual abuse.

#### **6.3.2.4 Discussion**

Further to being applied to terminology and language used when referring to youth image-based sexual abuse, the continuum of sexual violence is also a useful concept for dissecting the role that relationships play in the occurrence of image-based sexual abuse and in turn how these impact on young people negotiating sexual consent. Kelly described that ‘there are a number of dimensions which affect the meaning for, and impact on, women of experiences of sexual violence’ (1987, p. 48), including ‘the relationship between the man and the woman or girl...whether the assault was a single incident or part of ongoing abuse’ (1987, p. 48). It is clear from the findings in this research as well as that of previous projects (Henry, et al. 2021; McGlynn, et al. 2019; Barter, et al. 2017; Drouin, et al. 2015; Wood, et al. 2015) that the pressure to send sexual images, threats to share sexual images and the actual non-consensual sharing of images – amongst other forms of image-based sexual abuse – have each become facets of abuse within relationships, however rigid the structures of that relationship. It is important that this conclusion is internalised to ensure that the complexity of youth image-based sexual abuse is recognised, rather than presuming experiences are singular. It also speaks to the meaning that this has for young people – as Kelly mentions – the existence of a relationship redefines how this abuse is understood and how it manifests. For instance, responses to cases of images being shared or threats to share images requires an additional layer of understanding and sensitivity if it is the case that the victim is experiencing additional forms of abuse.

Following on from the above, I propose that the existence of a relationship changes the experience of consent for victims of youth image-based sexual abuse. It is likely that through initially being in a consensual relationship victims will be exploring how consent is negotiated and re-negotiated, particularly – in the case of this research – when it comes to digital intimacy. Johnson and Dalton (2012) have discussed this with regards to image-sharing whilst critiquing the use of ‘sexting’ as a term. They suggest that this language misrepresents the range of actions used as well as the negotiation of consent that occurs when image-sharing takes place; ‘although these practices have been subsumed under the single label of ‘sexting’...they can be differentiated from each other in terms of consent, non-consent and imputed dissent’ (Johnson and Dalton, 2012, p. 118). Referring

back to Boyle's 'continuum thinking' and 'challenges to established binaries' (2019, p. 32), it is particularly useful reflecting on this and how consent manifests, it is not one or the other. Kelly illustrated similar themes regarding heterosexual sex to rape, describing how 'women's experience of heterosexual sex are not either consenting or rape, but exist on a continuum moving from choice to pressure to coercion to force' (1987, p. 54). When we think of the actions of image-sharing there are different layers of consent which can shift as the situation develops.

Reflecting on the examples in table 15 and 16, there is an arguable development in the way that consent is negotiated by both parties, there may have for instance been occasions where private sexual images were shared consensually, for this to then change in the face of an abusive dynamic. Whittington describes applying continuum thinking to consent, specifically within an educational environment with young people; 'continuum thinking encourages people to consider the process and outcome of sexual negotiation' (2020, p. 13). She identifies terms such as 'passive consent' which are described as more 'user friendly when people are thinking about scenarios and beginning to question their own sexual experiences' (2020, p. 14), in comparison to 'legal and lay definitions' which 'often draw on a fairly reductive conception of sex' (2020, p. 14). A broader understanding of consent can further help us assess the complexity of image-based abuse amongst young people. Rather than considering the issue of consent in these cases as a binary, there should be an acknowledgement of 'sexual negotiation' (Whittington, 2020, p. 14) as well as 'situated and contextual realities' (Whittington, 2020, p. 14). Each action or process that a young person moves through regarding image sharing may change the status of consent, this needs to be considered in order to recognise agency as well as harmful behaviours.

The application of continuum concepts to the relationship context of youth image-based sexual abuse develops our understanding of the wider influences which impact on victim(s) experiences. Rather than considering these instances as individual and a singular event, like many other sexual offences, there is a necessity to understand how they are enabled and take place. With young people there is the potential for image-base abuse to be a facet of a wider context of abuse, which should influence practitioner and police responses, beyond encouraging victims to not share private images of themselves. Further to this, following Whittington's (2021) analysis, consent should not be viewed in these situations as binary, especially when the actions involved themselves move between consensual, coercive and non-consensual. With this knowledge responses to youth non-consensual image sharing must develop to address wider forms of abuse and in turn the reality of how consent is negotiated.

## **6.4 Individual Context**

### **6.4.1 Implications of Gender and Sexualities**

Whilst the findings in Chapter 5 suggest that females are more likely to be recorded by the police as victims and males as suspects, it is necessary to unpack these findings. The following will explore the implications of a gendered understanding of youth image-based sexual abuse, considering how this influences responses and whether certain experiences are hidden.

#### **6.4.1.1 The Role of Everyday Sexism**

Firstly, it is important to frame the culture through which image-based abuse is enabled. Gendered and sexist normalcies exist within society which facilitate and support violence against women, this has been referred to as ‘everyday sexism’ (see Bates, 2015). Participants acknowledged that these everyday displays of misogyny provided a foundation for image-based sexual abuse to take place.

‘The acceptance of those low-level everyday sexist [behaviour] facilitates [men hurting women]...and this is part of that...It’s the same pyramid...it facilitates the next thing...I don’t know enough stories...we don’t really know enough about dating...I think dating apps and unsolicited images...happening in a world within...’ (Practitioner 11)

The participant here is referring to the pyramid of everyday sexism, or rape culture – there are different versions of each – which presents sexual harassment, abuse and assault as escalating behaviours, each of which blend into one another. Visually, the pyramid depicts how the normalisation of ‘low-level everyday’ sexism, facilitates abuse and assault. An example of this could be general sexist comments or what has been described as ‘lad culture’ – ‘thought to be a sexualised culture which involves the objectification of women and rape supportive attitudes’ (Phipps and Young, 2013, p. 28) – providing a social foundation for sexual abuse, assault and in this case, image-based sexual abuse to occur.

‘What made you think it was acceptable for your rugby group to see her breasts...much bigger conversation around gender...’ (Practitioner 11)

Using a specific example, the participant highlights how sexist and demeaning views of women legitimise men’s behaviour, such as sharing intimate images with their peers. It is also interesting to note that the participant mentioned a ‘rugby group’, this could be a reflection of problematic masculinities featured in male only competitive, specifically athletic, spaces which have been previously described as ‘developmental pathways that may lead to relationship aggression and sexual coercion’ (Forbes, et al. 2006, p. 444).

‘They [young women] are more likely to...have their image exposed...more likely to suffer the consequences of people calling them a slut, or that idea of...you’re corrupted now’  
(Practitioner 12)

Addressing gendered double-standards, participant 12 identifies the victim blaming that is experienced by young women whose images have been shared. Rather than the shame or blame being placed on the perpetrator, it is the actions of women that are policed and criticised. This recognition contributes to a wider discussion on controlling young women’s sexuality and autonomy (see Ringrose, et al. 2013).

The above provides an indication of how everyday sexism and casual misogyny can lead to and encourage sexual abuse. The internalisation of demeaning views of women can encourage young men, in this instance, to participate in non-consensual actions without a consideration of the harm that is created. Due to wider societal views on young women’s sexuality, it is then the victim who will be shamed, further evidence of how pervasive sexism can not only contribute to the committal of sexual abuse, but also the harms that are experienced by victim.

#### **6.4.1.2 Heteronormative ‘Revenge’ Narrative**

Whilst analysing the role of everyday sexism in the existence of image-based sexual abuse it is useful to further understand how sexism and sexual abuse are linked. These actions should not be framed as a singular experience, rather the overtly heteronormative narrative can disregard youth image-based abuse that falls outside of the ‘revenge’ confines which have been used regularly to construct the non-consensual sharing of images.

When asked about youth image-sharing, police practitioners recalled relatively similar cases that they had encountered, all seeming to fall within a heteronormative ‘revenge’ framework:

‘The most common being 15 year old girls [sharing images] with her boyfriend...who threatens to [share the image]...mostly girls [are victims] in my experience...some third party gets hold of the image...then the victim discovers an image of themselves on social media’  
(Police DS 21)

The above participant details each stage of the abuse here, describing it as common. It is interesting to note that the participant is specific about the girl sharing images with her boyfriend, rather than proposing the image sharing is mutual.

‘You have got instances where persons have...seeing other or being in relationships [or casually have sent images]...[requested that] they send photos of a certain nature...the relationship might have broken down...they’ve used that as leverage...there’s various things they can do...they’ll then distribute that between other persons...that obviously causes great distress’ (Police PC 22)

Whilst here we can see that Police PC 22 has acknowledged the image sharing could come from either party, there is a focus on the images being used as leverage, although this could speak to the coercion and control that are present in image-based sexual abuse cases (McGlynn, et al. 2019).

‘Had a girl her parents approached us and said a male who’s older than her...there’s been a sharing of images...she initially consented...she was 15 and he was 16...unbeknownst to her, he was sharing the images’ (Police DS 19)

Again the action of initially sharing images is levied with young girls and even though there is not specific victim blaming language present, it is the tendency to focus on the images being initially shared by young girls or women which tends to encourage harmful responses such as not sending the images in the first place.

The above examples tend to follow the same pattern, however one participant even stated that the cases were ‘all the same’. Reflecting on the latter there is also language present about sending ‘inappropriate’ images which reinforces victim blaming narratives:

‘They’re all the same...a 15 year old girl has been in a relationship with another 15 year old...during this relationship she has taken inappropriate images of herself...[and sent it to her boyfriend]...the relationship has ended acrimoniously...“if you don’t get back with me I’m going to share all these images”...the relationship ends...in an act of revenge on social media...he shares it with a friend’ (Police DS 21)

Certain characteristics appear somewhat consistently in the examples above; all were either in a relationship or involved intimately, there had initially been a consensual sharing of images, the relationship has then ended and following this the young man in the equation has threatened to share the images, sometimes to force a reconciliation of the relationship, and then the images are shared, as one participant stated, ‘in an act of revenge’. This is not to deny that there are definitely many instances of image-based sexual abuse which mirror the above – previous research notes, after speaking to women, most ‘had experienced image-based sexual abuse in the context of a previous or ongoing intimate relationship’ (McGlynn, et al. 2019, p. 4) – however regularly fitting youth image-based sexual abuse within these confines does exclude certain experiences which consequentially may be dismissed as they do not reflect the dominant perception.

#### **6.4.1.3 Same Gender Cases**

Indecent Image Cases (n=100) where gender was provided for both victim and suspect (n=60)



**Table 17****FOI Example – Same Gender Cases Female (n=7)**

Description*	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Suspect named has taken the naked photographs of the victim, suspect has then sent these naked photographs to herself	15	F	17	F
Suspect named has taken a topless photo of the victim, suspect has then distributed the photo via Snapchat	17	F	14	F
Suspect named has admitted to sending an indecent image of the victim exposing her breasts to other people	12	F	12	F
Suspects named have accessed victim's Snapchat account and shared sexual videos of the victim publicly causing them to be seen by an unknown amount of followers	13	F	14	F
Suspect unidentified has taken graphic indecent images of the victim showing the victim's genitalia	13	F	13	F
Suspect named has sent an indecent image of the victim to the victim's friend of the victim with her breasts exposed	12	F	13	F
Suspect identified has filmed the victim changing and shown other students without her consent	12	F	13	F
*Descriptions from police FOI responses				

**Table 18****FOI Example – Same Gender Cases Male (n=2)**

Description*	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Suspect named has taken a video of the victim whilst the victim was urinating and shared this to others causing alarm and distress	13	M	13	M
Suspect named has sent a naked picture and a video of himself masturbating to the victim	14	M	14	M
*Descriptions from police FOI responses				

Table 17 and table 18 present same gender cases which were recorded as indecent image offences. Their occurrence was relatively low, with FF cases amounting to 7 out of 60 (11.7%) and MM cases 2 out of 60 (3.3%), however, the evidence of their existence denounces the general police perception that these cases typically follow a similar pattern.

The fact that FF cases were slightly more common is an interesting finding, it could be argued that the gender double-standards mentioned earlier such as shaming women's sexuality, may have been internalised by young women themselves, encouraging the participation in non-consensual image sharing. There is also the potential for the abuse to have occurred within friendship groups, which echoes the examples referred to earlier in table 16 and from Netflix's Sex Education.

#### **6.4.1.4 Police Minimisation and Geographical Differences**

As stated, the portrayal of youth image-based sexual abuse by the police is overtly heterosexual, with reference frequently being made to heterosexual relationships as well as victims most commonly being 'girls' and suspects male. This assessment does not tell us much about the experiences of LGBTQIA youth or those who identify as non-binary, who, in other research projects have been reporting to be at a higher risk of image-based sexual abuse (Powell, et al. 2020).

When asked about whether officers had encountered cases where those involved were part of the LGBTQIA community or identified as non-binary, the responses differed somewhat.

'Certainly not non-binary and not from LGBT...gay teenagers erm boys or girls no, not in my experience...they're just more sensible' (Police DS 21)

The officer was fairly certain that he had never encountered an image-sharing case within the LGBTQIA community or where at least one individual involved was non-binary. It is interesting that rather than querying as to why this was the case, for instance whether young people 'closet' themselves – 'to conceal one's sexual orientation' (Malterud and Bjorkman, 2016, p. 1339) – when approaching the police or renounce them as a part of their help-seeking, he concluded that they are 'more sensible'. Similar perceptions have been uncovered when researching 'sexting' and harm – Setty (2020) found that young people perceived the 'girl-girl' dynamic as kinder and more trusting' (p. 80). Whether or not the participant was referring to young people being 'more sensible' by not non-consensually sharing images, it is more important to focus on the fact that there should not be an assumption that same-gender relationships are inherently more 'egalitarian' and not subject to abuse (Setty, 2020, p. 81). Additionally, by framing some young people as 'more sensible' than others it perpetuates the victim blaming narrative that sharing private sexual images is inherently reckless and the fault of the victim for images being shared.

'We encounter them in the exact same way...via NCA...we are getting a growing number of direct reports...growing number of direct reports from other forces...of those referrals...certainly had both male and female [victims] and non-binary individuals' (Police DS 5)

Another police participant was quite certain that they had received referrals where victims had either been female, male or non-binary and that these reports were received through various means. However, there was no mention as to whether any of these victims were part of the LGBTQIA community.

The differing opinions regarding demographics of victims and suspects could be accounted for by the discrepancies between communities in which the participants are based. Each area in England and Wales is likely to have its own unique population and as a result, areas which have a larger LGBTQIA community and presence could influence police reports. However, this hypothesis would benefit from further investigation as there will be a myriad of reasons why either non-binary individuals or those from the LGBTQIA community do or do not reach out to the police, aside from geography.

‘We have had but tiny, tiny numbers in comparison...the numbers are too small essentially to analyse’ (Police Staff 24)

Even with some officers encountering non-binary individuals and/or those from the LGBTQIA community, there is the consideration that these encounters may be very rare and as a result, it is hard to frame or analyse their experiences in a way that would help in the future, such as addressing vulnerability. It is unclear as to whether the minority of figures that they have is representative of the UK population – 2.2% of the UK population in 2018 identified as lesbian, gay or bisexual (Office for National Statistics, 2020), and whilst it seems that there is no concrete information about how many trans and/or non-binary individuals are living in the UK, estimates are 1% of the population (Stonewall, no date) – however, this should not discredit or dampen attempts to further acknowledge and address the experiences of significantly marginalised communities.

#### **6.4.1.5 Higher Risk of Harm**

As mentioned, citing previous research, lesbian, gay and bisexual individuals have been reported as being more at risk of image-based sexual abuse – 1 in 2 LGB participants recorded experiencing image-based sexual abuse, compared to 1 in 3 heterosexual participants (Powell, et al. 2020). This is something that was reaffirmed in interviews.

‘LGBT young people find their community online...an extra element...people could use the images to...blackmail, if they’re not out...is there more risk here?’ (Practitioner 12)

‘It can be used in a really negative way of outing people’ (Practitioner 11)

Identifying two different risk factors; having a larger online presence specifically for seeking support or those with mutual interests and being vulnerable to others outing either their sexual preference or gender identity, demonstrates that young LGBTQIA and/or non-binary people can be at an

increased risk of harm or differential harm from image-based abuse. These factors are arguably influenced by wider societal impacts which push LGBTQIA and/or non-binary young people into a marginalised position, for instance, the dramatic increase in homophobic and transphobic hate crime in the last few years (Marsh, et al. 2019).

‘In terms of victim harm, I think probably some of those jobs stick in my head...enhanced safeguarding [concerns]...from a policing point of view and a safeguarding point of view, I would say that is something that is [heightened]’ (Police DS 5)

‘There’s a slight concerning trend...young people being targeted because of their sexuality’ (Police DS 5)

Further to this, the police are seeing evidence of an increase, or at least a trend, in sexuality (and possibly gender identity) being a motivation to victimise young people, this confirms how young people’s experiences require specific consideration for safeguarding, which should be applied nationally within police forces.

It is clear that there is a dichotomy between the police perception of who is the victim/suspect and potential risk or vulnerability in other communities. Whilst it may be the case that the majority of image-sharing cases the police encounter are within a heterosexual framework, what needs to be considered is that a minority of figures – in this instance a minority of cases involving those from the LGBTQIA community and/or non-binary individuals – is not readily acknowledged. There needs to be an investigation into the experiences of young people within these communities and their image-sharing tendencies to further identify their needs and strengthen routes to help-seeking. The majority perspective, in this case, heteronormative, should not cast a shadow over the experiences of marginalised individuals, particularly those who are at risk of harm and abuse.

#### **6.4.1.6 Discussion**

Arguably the current focus on youth image-based sexual abuse is stunting our understanding of wider experiences. This is supported by an emphasis on image sharing within heterosexual relationships which in turn reinforces certain assumptions about motivations. Further to this, the attention given to a heteronormative framework pushes differing experiences to the margins and prevents individuals from being able to recognise their abuse.

Problems with colloquial terminology used to describe sexual violence, such as ‘revenge-porn’ extend beyond the inadequate representation of harm, they also limit the depiction of the perpetrator’s actions (McGlynn and Rackley, 2017). With the predominant focus of youth image-based sexual abuse being the jilted male ex-partner and female victim, there is possibly a continuation of this ‘revenge’ narrative. Referring to Chapter 2, we have seen that researchers have

identified a myriad of reasons why young people in particular may share images non-consensually, beyond the confines we see repeated here (see Naezer and Van Oosterhout, 2021). Considering this research – in particular the sexist tropes that are perpetuated through some of the perpetrator motivations, specifically ‘regulation’ – in addition to the FOI data presenting more same gender female cases than male, adopting a postmodern feminist approach, it can be argued that ‘women have weaponized sexist beliefs when perpetuating this act against other women’ (Dodge, 2021, p. 450). Here, it is important to acknowledge that some female suspects may act with malice – an argument which can exist at the same time as reflections about the inappropriate labelling of young women as a ‘suspect’, see table 13. By exploring this we can start building a multi-faceted understanding of young people’s experiences of image-based sexual abuse which deviates from the male (ex)partner and female victim.

Diverting from the heteronormative ‘revenge’ narrative opens up our understanding to broader forms of image-sharing. For instance, Setty identified that ‘fretting’, described as ‘the exchange of personally-produced intimate images amongst friends’ (2022, p. 667) can be a form of ‘homosociality among girls’ (2022, p. 667) and whilst this may not concern the non-consensual sharing of images, it crucially acknowledges that intimate image sharing can occur for more reasons than sexual gratification. The consensual sharing of images amongst friends for social reasons could also act as a foundation for non-consensual image sharing to occur. Whilst it is important to ensure we don’t shame young women for performing social acts through which they seek support and feedback (Setty 2022), there is the potential that these images could be shared non-consensually as a response to friendships ending. This knowledge then allows us to contextualise some circumstances where images have been shared between friends.

This highlights the array of motivations young people cite when sharing images, consensually or non-consensually. Whilst it is necessary to understand the varied social dynamics which lead to image-sharing, so that our perception isn’t restricted to one framework, it is crucial to reinforce that the somewhat casual manner in which images are shared is ‘at odds with what many victim-survivors describe as the serious and lasting impacts of image-based sexual abuse’ (Henry, et al. 2021, p. 77).

Donovan and Hester identify that ‘the popular imagination...conjures up a particular ‘public story’ (2010, p. 281), this assessment was made when addressing what the public story of domestic abuse presents and in turn, what is excluded. Whilst researching domestic violence in same-sex relationships, Donovan and Hester pinpoint that the domestic violence public story very much ‘locates the phenomenon inside heterosexual relationships’ (2010, p. 281), a consequence of this public story is that many individuals who do not associate with heteronormative binaries are unable

to recognise their experience of abuse (Donovan and Hester, 2010). Further to this, Mortimer, Powell and Sandy, explore 'how heteronormativity and cisnormativity frame social discourses about sexual violence' (2019, p. 334) which 'work to further minimise the experiences of sexual violence for LGBTQ people who may be outside of the 'typical scripts' regarding rape and sexual assault' (2019, p. 335). I propose that a similar 'public story' and 'typical script' has formed around youth image-based sexual abuse, which has potentially been internalised by the police who are regularly referring to victims and girls and suspects as boys alongside focusing on the 'revenge' narrative, situating image-based sexual abuse within a heterosexual relationship.

Impacts of the 'public story' and 'typical script' surrounding image-based sexual abuse have been evidenced by non-heterosexual young people solely reporting on their experiences within a heterosexual framework; 'even when I heard accounts from girls identifying as non-heterosexual, they tended just to speak about boy-girl 'sexting' (Setty, 2020, p. 166). Like Donovan and Hester's (2010) findings, their experiences are only visible when they fit within the dominant narrative. Setty recognises two problems as a result; 'the normalisation of gendered harm within heterosexual contexts and the invisibility afforded to those identifying as non-heterosexual' (2020, p. 166). This 'public story' and 'typical script' facilitates the neglect of abuse against and within the LGBTQIA community which is set against increasing evidence that they are at a higher risk of image-based abuse. In larger studies, '1 in 2 (66.4%) LGB+ respondents had experienced one or more form of image-based sexual abuse compared with 1 in 3 (35.4%) heterosexual respondents' (Powell et al. 2020, p. 4). Reinforcing this, a similar study recorded that 56.4% of 'LGB+ respondents had experienced one or more forms of image-based sexual abuse' in comparison to 35.4% of 'heterosexual respondents' (Henry, et al. 2021, p. 37). Looking within these communities is also important so as to not suggest they are homogenous; Australian research identified that 'gay and bisexual males were slightly more likely (39%) than lesbian and bisexual females (33%) to report being victims of image-based abuse' (Henry, et al. 2019, p. 36). Whilst we are starting to see more research exploring the experiences of lesbian, gay, bisexual, trans, queer and non-binary individuals, there is a requirement for studies to investigate with greater depth the risks, harms and practices of image-based sexual abuse within the community.

The above demonstrates that the tendency to predominantly focus or frame image-based sexual abuse within a heterosexual narrative segregates certain experiences, which is particularly concerning when marginalised individuals such as those within the LGBTQIA community have been found to be at a higher risk. There is a need for youth image-based sexual abuse to be investigated in a more nuanced manner, exploring differing experiences and for instance not presuming that those

within the LGBTQIA encounter abuse in the same way. To fully understand the context and harms of image-based abuse all experiences need to be assessed with the same attentiveness.

#### **6.4.2 The Invisibility of Race, Class and Disability**

Previous research has described the manner in which race (Crenshaw, 1991), class (Phipps, 2009) and disability (Thiara, et al. 2011) influence individuals' experiences of sexual and/or domestic abuse, it is therefore reasonable to expect that these facets of an individual's identity would also have an impact on youth image-based sexual abuse. Whilst the research findings here are limited in the claims that can be made regarding these themes, foundational insights have been laid whilst drawing on broader literature.

##### **6.4.2.1 Race, Ethnicity and Religion**

When gathering data through FOI's, race and ethnicity was enquired about, however no substantial information was provided with the majority of victims and suspects being labelled White British, White North European or Not Recorded. This in itself is of significance, the availability of this information would allow police analysts and researchers to decipher whether there were racialised risk factors to the occurrence of image-based sexual abuse. In absence of this data, there were examples in the interviews that highlight how considering race can only develop our understanding of youth image-based sexual abuse.

When asking participants – in follow up interviews – whether they believed that race and ethnicity played a role in the occurrence of youth image-sharing it was commonly young Muslim people who were quoted as being at risk:

'I'm a HBA [Honour Based Abuse] trained officer...I had someone come to me who had pictures of their bare arms being circulated...this girl was absolutely petrified because she had to be covered up at all times...it was genuine fear that she would be killed...that was dealt with...[a risk assessment was done]...they [the images] were sent to her partner at the time...he wasn't of the same ethnicity...[they broke up and she was scared that he would distribute these images of her in a t-shirt]...a total risk assessment was done of her and she was considered high-risk...she would check in with us periodically so we would know she was safe' (Police PC 20)

This example brings up an interesting point contextually about what it is in an image that makes it private, at times that does not necessarily have to be sexual, this can be dependent on the young person's living situation. However, it is not necessarily a racialised point, rather any family with a strong belief system where women's behaviour is controlled can produce similar fears. It is worth recognising that the police officer themselves considered the risks in this situation and took into account the young girls fears.

'The one example that's jumping out to me... the victim a 12 year old female child who is from a traditional family in terms of culture and religion...a child in a category B video...remove underwear and engage in sexual posing...risk of adverse parental reaction [the school had a record of the child reporting that dad gets angry]...I think the role that race and ethnicity plays is [regarding safeguarding]...there's nothing from my experience [regarding vulnerability]' (Police DS 5)

The officer here suggests that race and ethnicity impacts on the safeguarding matters that need to be considered for young people, such as the previous example where the young girl checked in at the police station regularly. However, the same point can be made that concerns about parental reaction are not limited to racialised groups.

'We would consider honour based violence...certain communities...cultural shame...15 year old girl from a conservative Muslim background...the parents don't know about this boyfriend...that can then cause us more concern about the risks...a 15 year old white girl and a 15 year old white boy...we would see that less risky...or any sort of conservative religious background, but it tends to be Muslim...we don't have a lot of conservative Jewish families etc' (Police DS 21)

Whilst it can be argued that there is a real concern about the possibility of so-called honour-based abuse as a result of parental involvement, it is apparent that these concerns are limited to the 'strict Muslim' trope (aside from the individual mention of conservative Jewish families), whereas so-called honour-based abuse has been evidenced in an array of communities. For instance, there is much evidence that people can be at risk to honour-based violence for a number of reasons including sexuality and gender identity (Idriss, 2021; Rogers, 2017). The tendency to focus on these stereotypical framings, can be harmful and detrimental to other young people who also may be at risk of abuse from family members or guardians.

Practitioners viewed the impact of race and ethnicity through a wider lens, suggesting that this could affect the police and potentially organisational response to reports:

'There is a stigma and a shame within every community...it's just a different inflection of shame' (Practitioner 12)

'Young people's race and ethnicity...will impact on...gender...sex...relationships...to what extent does race and ethnicity impact on a young person's visibility...to come in to contact with agencies...more or less likely to be believed' (Practitioner 12)

Considering the nature of youth non-consensual image sharing and the risk that you may be policed or condemned for possessing images of yourself, alongside the tumultuous relationship between the police and young people of colour (Keeling, 2017) it is not unreasonable to hypothesise that this could prevent certain groups of young people from viewing the police as part of their help-seeking. Further to this, the practitioner mentions 'visibility', and if we consider sexual offences more



generally, black women have regularly been side-lined when theorising women's experiences (Larasi, 2020). It is therefore probable, particularly since police ethnicity data has not been recorded consistently, that the experiences of racially marginalised young people are somewhat discounted within the scholarship of image-based sexual abuse. In recent studies it has been argued that 'the risk of victimisation is distributed unequally across demographic patterns and vectors' (Henry, et al. 2021, p. 37) inclusive of race and ethnicity, however the authors do state that a more nuanced approach is needed.

Power was also mentioned by a practitioner and how this relates to race and ethnicity:

'I think power plays a role right...there's something about race and ethnicity in porn...there's something about racial stereotypes in porn...if they're seeing them...students I've worked with, it's more about power and that's obviously going to have an impact of gender, race...'  
(Practitioner 11)

Thinking about the fetishization of different cultures, it may be that in future research concerning image-based sexual abuse, amongst adults and young people, there is a focus on how these stereotypes impact risk and potentially the form of abuse that is experienced.

Without established FOI data or information on race and ethnicity it is difficult to interpret any significant findings, although this is a finding in itself. With movements taking place over the world, and discussions about institutional racism, there should be more effort within the police to monitor the accuracy of their recording methods and through this assess how race and ethnicity impacts on people's experiences of image-based sexual abuse.

#### **6.4.2.2 Class**

It was only through follow-up interviews that information about class was gathered, albeit minor information. When enquiring, there was a general agreement that victims are present across different social classes:

'We have certainly had a spread of victims from all households across the spectrum if you like, pretty vulnerable children...up to offences committed within the private school environment' (Police DS 5)

Whilst this participant states that there an array of victims, there is a slight suggestion that young people outside of the 'private school environment' may experience additional vulnerabilities.

'I don't think it does play a role; I think it happens across all classes' (Police DS 21)

It is worth thinking about the communities in society that are likely to be regularly policed or who most commonly encounter the police. Here we start seeing the influence of class, whilst it is most

likely the case that victims and suspects are present in all classes the options available to these individuals will differ within these structures.

‘Those young people [who] are obviously of a lower socio-economic status but automatically have a higher level of involvement from [services]...safeguarding teams...those two things correlate’ (Practitioner 12)

‘Probably non-consensual image-sharing is taking place across all classes...if you’re part of a higher socio-economic [class]...you’re [likely to have] more privacy’ (Practitioner 12)

Privacy is an interesting lens to apply to the context of youth image-based sexual abuse. Reflecting on the previous comments made by police about young people’s autonomy (section 6.3.1.1), there will be individuals who have more options available to them, who are able to regulate more easily the parties that are involved in their life and as a result, instances where images are shared non-consensually.

‘The snooty...privately educated...it was absolutely rife...non-consensual image sharing too...I suppose impunity...they just thought that they could get away with it’ (Police DS 21)

Here the police officer suggests that the entitlement which is present amongst many private school communities may encourage the perpetration of image-based sexual abuse. This could be the case if individuals feel that they have the privilege to avoid condemnation for their actions, no matter how harmful.

‘If you just think about it in the family environment...obviously there are families that come [to police attention] on a regular basis...much lower threshold for some of those families [in comparison to] a stereotypical middle class family...I suppose there is a chance...a family in that stereotype is more likely to be protective of their children...you’re family with [a] criminal lifestyle...if they’ve got all sorts of difficulties, is something like that going to register’ (Police Staff 24)

As opposed to the above, this participant alludes that a family with a ‘criminal lifestyle’ may have other difficulties, possible including an unawareness of the abuse their children are experiencing. However, it is worth clarifying that a ‘criminal lifestyle’ is not associated with a specific community, rather there are communities which are overpoliced and those who have the ability to minimise police presence in their lives.

‘There was something about people protecting their reputation...they don’t want to not get a place on the cricket team...where we’ve seen this quite often, old school...patriarchy...it comes from the patriarchy and the misogyny...it’s not that they’re safe from it because they go to nice schools...they aren’t...I wouldn’t say that they’re excluded from it’ (Practitioner 11)

As pointed out above, the privacy awarded is also influenced by the school environment. We have explored pervasive sexism within schools, it is not unlikely that those institutions where reputation is fundamental because of factors such as potential donations from parents, may be more inclined to use their decision making to deter the involvement of police or wider organisations following reports of youth image-based sexual abuse. These decisions may be out of reach for those schools who regularly have a police presence.

Whilst class and socio-economic status may not influence the risk of youth image-based sexual abuse, there is the possibility that it can impact the likelihood of police involvement. Individuals who are situated within a protected environment, whether that be a middle to upper class family or a private school system, are arguably less likely to encounter the police. This may be the intention of some victims due to wanting to protect their privacy, however, it can also be seen as offering suspects a level of immunity to any consequences. It is worth exploring in the future whether there are correlations between police involvement and socio-economic status when it comes to image-based sexual abuse.

#### **6.4.2.3 Disability**

Researchers have in the past noted that when recruiting participants for studies into image-based sexual abuse the experiences of those from marginalised communities need to be accounted for in more depth both by researchers and support services, specifically mentioning the impact that image-based sexual abuse has on those with disabilities (McGlynn, et al. 2021; Rackely, et al. 2021).

There were a few instances in interviews where different disabilities were referred to:

‘Working with people that had learning difficulties...there was also a case where someone had sent someone else a...picture of them naked...the lad that received that was showing lots of people in college...and also some workers...it wasn’t in a sexual context, for him it was just a bit funny [the girl had learning difficulties]’ (Practitioner 16)

Here the participant recounts an instance of image-based sexual abuse where the victim had ‘learning difficulties’. When we think back to the motivations for sharing images non-consensually, researchers have noted that the law is limited in its focus on sexual gratification (McGlynn, et al. 2019), here we see that evidenced with the participant noting that sharing the images was done for amusement, a motivation which has been recognised by researchers (McGlynn, et al. 2019). Consequently, it could be cautiously put forward – albeit based on limited data here – that there are differing harms for victims with disabilities – ones that may bear relation to their identity, as well as added barriers to their cases being recognised legislatively. Additionally, Police DS 5 stated that specific vulnerabilities amongst victims are present as a result of them being on autism spectrum.

Collectively it is plausible that victims with disabilities experience barriers both in recognising abuse as well as reporting the abuse itself. Although it is within a different context, similar points have been noted in broader literature with regards to the impact that disability has on experiences of rape and sexual assault (Jobe and Williams, 2020).

It is also worth considering these foundational findings alongside image-based sexual abuse research more widely. For instance, it was noted in a previous study that the harms of this form of abuse can be compounded if the victim is living with a disability (Rackley, et al. 2021). In one case the distress a victim experienced caused her epilepsy to destabilise and she required emergency treatment (Rackley, et al. 2021). It is worth reflecting here on how the harms of image-based sexual abuse can directly impact on the physical wellbeing of victims which will hold significance for those living with all forms of disabilities.

It is also important to recognise the impact that disability has on the perpetration of image-based sexual abuse. In one interview this was mentioned, in which a participant noted that they had experience with adult perpetrators who had Asperger's possessing indecent images of children, stating that *'they don't understand boundaries'* (Police Staff 6). Equally with victims living with disabilities who struggle to recognise abusive situations, there may be suspects who do not comprehend that they are demonstrating harmful behaviour. Referring back to image-based sexual abuse research, it was found that those participants who self-reported having a disability were more likely to have perpetrated a form of image-based sexual abuse (Powell, et al. 2019).

This limited data suggests that disability can both impact on the victimisation and perpetration of image-based sexual abuse. Whilst some tentative themes are evident within this data, there is much research needed to better understand how young people living with disabilities experience youth image-based sexual abuse, as well as how this might intersect with other inequalities.

#### **6.4.2.4 Discussion**

Race, class and disability are three important factors to consider when assessing any form of sexual violence. As the scholarship on youth image-based sexual abuse is ever-developing, these points I have explored so far are introductory and reliant on broader literature, however, they do provide a foundation for future investigation.

Discussions with police participants about race were typically limited to how victims of non-consensual image sharing could also experience honour-based violence, however, race can possibly also impact on how these images are shared and the manner in which the abuse occurs. The fetishization of black bodies has previously been described as enabling rape culture *'which tolerates*

and even validated sexual violence perpetuated upon black female bodies' (Holmes, 2016, p. 8). Following on from a comment made by practitioner 11 about pornography, in a recently published paper analysing the way that mainstream pornography normalises sexual violence, it was stated that – for videos describing physical aggression and sexual assault – 'black' 'occurred in the top 20 most frequent words...suggesting another connection between scripts of physical aggression and sexual assault and racialised descriptions of black performers' (Vera-Gray, et al. 2021, p. 9). Other racial groups that have been regularly fetishized include Asian women, this has recently received media coverage due to the Atlanta spa shootings, following which the offender stated that he had a 'sex addiction' and that he wanted to eliminate the spa and temptation (Ramirez, 2021). With this history of racial fetishization being reinforced and sustained by all forms of media, it is worth contemplating the extent to which young people internalise these stereotypes and whether they in turn influence the way that image-based abuse manifests, with the potential for racially charged overtones to be an aspect of the abuse.

The conversations about impunity and privacy granted to those attending private and elite institutions has been explored through different themes such as hypermasculinity. It has been described that all-male private schools 'emphasize and prize masculine power' (Crotty, 2020), this is often formed through traditions or highly competitive sports. These environments can breed misogyny, toxic masculinity and as a result, abuse. However, 'they have reputations, brands and interests to protect' (Crotty, 2020) so there is the possibility that any abuse will never be discussed beyond the confines of the institution. Looking at sexual abuse specifically, it has been reported that female teachers working at elite all-male schools experience sexual harassment and 'upskirting' from their students (Variyan, 2021). Whilst these examples are taken from Australian elite schools, it is possible that similar behaviours and attitudes are fostered within alike institutions regardless of geography. If there is evidence of actions enabling rape culture within these schools it is not unimaginable that this could manifest into the occurrence of image-based sexual abuse, we have seen that female teachers have reported this themselves, now it is worth exploring how these institutions allow and almost encourage these abuses to take place and the ways in which this can be rectified.

There is much to be addressed regarding the extent to which disability impacts on the victimisation and perpetration of youth image-based sexual abuse, however, there are also specific issues regarding structural barriers that need to be pursued. Alongside possible legislative limitations in recognising motivations to perpetrating image-based sexual abuse, institutional barriers are in place that could prevent young people from seeking help. For instance, those described as having an intellectual disability have experienced so-called 'school-based sexual violence', including non-

consensual touching, intimidation and rape against female students by male students (Phasha and Nyokangi, 2012). This research additionally found that these schools, specifically catering to neurodivergent young people, were found hiding or dismissing abuse due to a reliance on funders and investments (Phasha and Nyokangi, 2012). Whilst this research was based in South Africa, reflecting on what has been revealed about schools in the UK (such as the recent Ofsted report and Everyone's Invited), alongside suggestions made by participants that some schools may want to protect their reputation (Practitioner 11), it is not out of the question that young people may be prevented from accessing help if the institution in which they are experiencing the abuse decides that this will not be beneficial to them.

Overall, there are layers in which identity impacts on the experience of youth image-based sexual abuse, something which can be applied extensively to race, class and disability. However, it is through exploring both the micro and macro factors that we can assess the extent to which individual and structural factors compound the harms of image-based sexual abuse. Understanding these experiences is central to ensuring that responses and support are tailored to all individuals.

### **6.5 Summary**

This chapter has presented the situational and individual context in which youth image-based sexual abuse takes place, these findings have been constructed from interviews and FOI analysis which can help expand our current understanding of young people's experiences, which at times has been limited to singular concepts and narratives. Similar to all forms of sexual violence and abuse, the surrounding factors play a large role in the full extent of harms experienced and the consequences for those committing the abuse. Young people's lives are far more intricate than many may presume and if we are to respond to and prevent youth image-based abuse effectively, these factors need to be recognised and considered when encountering any cases.

## Chapter 7: Police Discretion

*'We work in the grey around decision making' (Police DS 4)*

### **7.1 Introduction**

In this chapter I will explore the role of police discretion and the impact that it has in cases of youth image-based sexual abuse. Initially, it will be established that officers view discretion as a tool during the police process but have differing views about where it is required or applied the most. Following this I will describe the thematic discretion that officers employ during cases and the implications that this, as well as police discretion more widely, has on what is defined as abuse as well as the outcomes of these cases. Additionally, the external influences on police discretion will be considered and the extent to which they limit or alter the options available to police. Finally, whilst police discretion is the primary focus of this chapter, practitioner decision-making will too be assessed with a small section on possible decision-making employed by young people – here reflections from practitioners have been examined whilst maintaining they do not represent young people's voices. It will be established that different stakeholders – the police, practitioners, and young people – involved in youth image-based sexual abuse cases have different intentions behind their decision-making. Police discretion specifically, unlike practitioner and young people's decision-making, is unique in how it is loaded with power. Understanding how the three operate allows the evaluation of police discretion to be pushed.

### **7.2 Police Discretion**

#### **7.2.1 How Do the Police View Discretion?**

Arguments have been made that the function of discretion differs across ranks, for instance senior officers can influence policy, whereas those in lower ranks can decide whether to employ stop and search powers (Poyser, 2004). Whilst the intention may differ by rank, police officers tend to agree that discretion is a useful tool. The latter position was reinforced by participants and there was a shared agreement that discretion is fundamental in policing. However when thinking about indecent image cases, participants had differing perspectives as to where in the policing process discretion was employed the most.

*'We made decisions constantly throughout the process...once we get the information through...it's when we go through the door...that's when most of our decisions are made...safeguarding for any children involved...vulnerable family members...the safety or managing of any suspects...we're constantly reviewing making decisions...we can interview them...they'll give us other lines of enquiries...what's the next step...are they at risk...do we need to extend the bail conditions...forensic items to look at' (Police INV 9)*

Police INV 9 takes us through the weaving process in which decisions are made. Here we can see that there are numerous steps along the way in which police must use their discretion to assess what the most appropriate ways forward are. Indeed, with indecent image offences – whether the case involves two young people or not – there are key questions about safeguarding and vulnerability. These two factors have the potential to impact on how police discretion is utilised. There are numerous circumstances which could arise and in response, police officers will be required to actively use their discretion if the conditions change.

‘The most important stage is the early stage...identifying what lines of enquiry there are...whether you’ve got a viable case...what safeguarding needs you identify...those are the key decisions’ (Police DS 21)

Police DS 12 identified similar points in the police process, although they suggested that it is the early stages of an investigation which are significant. It is possible that at the initial stages there is more reliance on recognising where the investigation is going and if there are any immediate safeguarding or vulnerability concerns. For cases involving young people and children, this is crucial.

Participants also described a sense of continuity regarding police discretion:

‘I’m able to, and we are able, and we encourage our investigators to make...decisions from the start to the end’ (Police DS 4)

Further to the above, a participant detailed that discretion is used ‘*until that person is charged*’ (Police INV 9), another suggested that ‘*anything could immediately change the decision making*’ (Police DC 10). Alongside this a police officer defined discretion as being ‘*live throughout*’ the police process (Police DS 5). Here it would seem that indecent image cases – and possibly many different cases that police deal with – are ever developing. As a result, discretion is continually relied upon by police officers, almost as a living tool for police officers to use, rather than there being a set occasion where it is most valued.

The importance of discretion was also referred to by a participant who spoke of how it allows for officers to make more logical decisions.

‘Luckily we do have discretion...just because the law has been contravened...we’re encouraged to apply [a] common sense approach’ (Police DS 4)

Referring back to Chapter 6 and what has been discussed so far about context, it seems that discretion allows police officers to recognise the importance of contextual factors. Specifically thinking about the confines of the *Protection of Children Act 1978*, discretion gives police officers the opportunity to measure whether pursuing a case would be appropriate.



Police officers from different sections and in different ranks all understood and appreciated the use of discretion in responding to indecent image cases. It is possible that discretion is integral to policing particularly when the legislative definition of offences is wide-ranging – similar arguments have been made about the definition of domestic violence (see Myhill and Johnson, 2015). Furthermore, there are additional considerations to be made due to young people and children being regularly involved. It is possible that the specific characteristics of indecent image offences – inclusive of youth image-based sexual abuse – provide fertile grounds for discretion to be used.

### **7.2.2 Thematic Discretion**

It emerged from interviews with police officers that certain discretionary measurements were utilised in cases of youth image-based sexual abuse; whether the incident was considered ‘age appropriate’, if pursuing the case or possible outcomes were in ‘public interest’ or ‘proportionate’. I propose that the police, as a result of the wide reach of the *Protection of Children Act 1978*, have formulated themes which inform their discretionary decisions. These themes have possibly been crafted from moral assumptions about what actions are ‘age appropriate’, which cases are pursued in ‘public interest’ and what outcomes are ‘proportionate’. Whilst the latter two themes are central to policing (Newburn and Neyroud, 2008), their applications in cases of youth image-based sexual abuse, are largely informed by police perceptions of young people and their behaviour.

I am proposing the original concept ‘thematic discretion’, here I intend to build on previous research about police discretion. Considering the framing of police as ‘moral enforcers’ (Johnson and Dalton, 2012), in addition to discussions of the police’s reliance on discretion in cases of ‘sexting’ (Crofts, et al. 2015), the data presented here will expand on how the police’s positionality, understanding of sexual violence, and their perspective of young people, can inform discretionary decisions.

Additionally, I wish to demonstrate how central police discretion is to cases of youth image-based sexual abuse, but equally how the themes they utilise to inform their discretion can be misguided and problematic.

Several participants used the phrase ‘age appropriate’, or wording referring to ‘appropriate’ behaviour when discussing young people sharing sexual images. Whilst describing the conversations that officers would have with young people to address their behaviour, one participant stated that:

‘A lot of the time...what they’re looking at is age appropriate...which I would like to think is [the majority] of young people we come across’ (Police INV 1)

This participant later suggested that they would perceive ‘age appropriate’ behaviour as a 14-year-old looking at images of another 14-year-old. Police DC 3 too stated that if the images being shared

were between two 13-year-olds, these would be considered 'age appropriate', and that this particularly comes into consideration when the suspect and victim are under the age of 18.

Here we can see that police officers are defining image sharing or viewing images between young people of a similar age as 'appropriate'. These examples are pointed to as 'appropriate' in comparison to – as one participant stated – a 16-year-old looking at images of an 8-year-old (Police INV 1).

Furthermore, one participant believed that the public would disagree with prosecuting a young person who has engaged in 'age appropriate' sexual activity (Police DS 5). This officer goes further than positioning image-sharing between young people as 'appropriate' by also defining a criminal justice response as unsuitable. There is certainly room for this argument with regards to consensual image-sharing. However, more specificity is required here, particularly when we consider the context of some of the cases including both the abusive nature and harm caused.

Further to the above, a participant drew comparisons with age specific legal framings:

'What is age appropriate...you can do a lot of things at 16' (Police DC 2)

This statement was made in response to a question I posed to the officer about the limitations of the law. It is interesting that it allows us to reflect on the current disparities between the age of sexual consent – which is 16 in the UK – and the legal definition of a child – which is 18 in the *Protection of Children Act 1978*. It is possible that police officers are mindful of this disparity and therefore factor it into their decision-making, perhaps reinforced by comments addressed in Chapter 6 about the sexual autonomy of young people. However, allowing police officers the authority to decide what behaviour is 'appropriate' and what is not, can be concerning. If we think back to research identifying how 'stereotypical beliefs about rape victims typically revolve around expectations of 'appropriate' behaviour' (Dhami, et al. 2020, p. 158), there is the possibility for police officers to misread cases of young people sharing images. Presuming that a similarity in age suggests appropriateness, this may leave harm unaddressed and justice unachieved, echoing points made about sexual assault and rape cases by Temkin and Krahe (2008).

Additionally, it appears the police are presuming proximity in age between the victim and suspect means the behaviour is 'age appropriate'. This assumption overlooks evidence produced by this research project – and previous literature (Henry, et al. 2021; Wood, et al. 2015) – suggesting that coercive and abusive practices may play a part in the image-sharing. Furthermore, there is a need to consider the wider context of abuse, for instance whether the image-sharing is a facet of intimate partner violence. These considerations are almost disregarded through the police's measurement of

'age appropriateness', as a close age range does not rule out an imbalanced and harmful power dynamic.

Public interest was another theme raised by the police, which is likely to mirror the public interest test implemented by the Crown Prosecution Service and equally applied to the police. The test itself concerns deciding whether it is in public interest to seek a prosecution or not (Newburn and Neyroud, 2013). With regards to the police perception of public interest, it seemed that the viewpoint of the general public, and their opinions on suitable action, held weight in cases of youth image-based sexual abuse. The below evidence explicitly mirrors Johnson and Dalton's description of police decision-making as reflective of and reinforced by, the wider public (2012).

'I try to make my decisions based on what I believe...what the public want and expect from their police...if I polled 100 people and gave them a set of circumstances...and I asked them how we should proceed...do we think this child poses a significant risk of harm to the public...if I feel that the risk can be sufficiently mitigated in the community by diversion...I will always try to go down that [route]...I can't imagine the public want to see their police service prosecuting under 18's' (Police DS 4)

Whilst there is an argument to present about unnecessary punitive action towards young people, consideration needs to be made as to the risks and harms of youth image-based sexual abuse. In these circumstances depicting a 'child' as not being able to 'pose significant risk' almost minimises the severity of these cases.

Following on from the above, certain participants were clear that seeking criminal actions against a young person would be damaging and impact on their life significantly, which in turn was *not* in public interest.

'Do we have two well rounded healthy kids...criminalising them would be hugely detrimental...that's what that [public interest] means to me' (Police DS 21)

Similar to age appropriateness, the determination of what is 'rounded' and 'healthy' is based here on the police's personal perception. There are again concerns that this language could minimise the harms of image-based sexual abuse or indeed the intent of the young person sharing images and/or videos non-consensually.

'Two teenagers, unless the offending is very significant, it's not ever going to be in the public interest to [prosecute]' (Police DS 18)

It is worth contemplating what exactly accounts for significant offending? Would this be viewed as the extent – for instance the number of abusive images held by someone – or the individual offence? Unfortunately, with either option the police are creating a hierarchy of abuse, and the

choice to pursue a punitive response relies on the police's decision as to what can be considered 'significant'.

'Is it really in the public interest to destroy...someone's life before it's got going' (Police DS 17)

This statement by Police DS 17 raises concerns about the purpose of the criminal justice system and particularly its suitability for young people. If the police are likening pursuing a criminal justice response to destroying someone's life, this should not be an option in any criminal case. With regards to youth image-based sexual abuse, there is little consideration in this statement for the victim's life. Reflecting on previous research on image-based sexual abuse, the harms of victimisation are comparative to someone's life being 'destroyed' (McGlynn, et al. 2019).

'Prosecuting these children must be an absolute last resort' (Police DS 4)

As mentioned earlier, an argument can be made that a criminal justice response is unsuitable for a young person committing image-based sexual abuse and, as described by the participant above, a 'last resort'. However, to describe prosecution as a last resort must mean that there are a number of alternative options. Whilst the police have discussed speaking to young people involved in these cases, a structured national response is lacking and consequently youth image-based sexual abuse is not being holistically addressed.

Additionally, when discussing public interest, participants tended to separate youth image sharing from indecent images, proposing that the outcomes of the latter were not appropriate for young people, in one instance lessening the occurrence of image sharing.

'In these cases, lots of the time it's not in the public interest...not in the child's interest...putting them on the sex offender's register...for a prank' (Police PC 20)

There are two things worth unpacking in this statement. For a young person to end up on the sex offender's register there would have to be a prosecution, which – based on the comments made here – would be unlikely as it would require the police to pursue the case and the Crown Prosecution Service (CPS) to agree. Therefore, the participant using this as a reason for not addressing the abuse can be questioned. Secondly, the participant has generalised that the action of non-consensually sharing images as a 'prank'. This statement centralises the suspects behaviour rather than the experiences of the victim. Whilst we know that there can be a variety of motivations behind image-based sexual abuse, this reality should not denounce the harm experienced by people.

'Ultimately the sharing of indecent images is an offence on paper, we have to make a decision...weigh up whether...it's in the public interest to invest all the

[resources]...determine whether actually the best way to deal with this... is education the best way forward?' (Police DS 17)

In this case it appears that public interest is being used to highlight the unsuitability of current legislation specifically the *Protection of Children Act 1978* as well as questioning whether any resources required to pursue cases could be better invested elsewhere. This issue highlights a number of concerns including whether there needs to be a clearer legal separation of indecent image offences and youth image-based sexual abuse offences – particularly considering police are already responding in a different manner. Secondly, if pursuing these cases diverts resources away from other aspects of policing, what funds are being used to adequately respond to youth image-based sexual abuse?

There is arguably a shared opinion amongst participants that prosecuting or seeking a criminal outcome in cases of youth image sharing is not in public interest with the central theme being that young people under the age of 18 are better dealt with through non-punitive means. Unlike 'age appropriate' which is a theme concerned with characteristics of the offence, public interest is an outward facing theme which is judged by what citizens outside of the police would consider suitable.

I do however want to reinforce that the manner in which police use 'public interest' is to legitimise not criminally pursuing cases for the sake of the suspects, that their lives will be impacted, or that there are better routes to respond. What we are not seeing is 'public interest' being utilised with the victim's welfare in mind. Here it would be useful for the police to contemplate whether it is in public interest for a young person to experience 'social rupture' (McGlynn, et al. 2019) and have to navigate a shared environment with the person who shared their images, if they went to the same school for instance, or if they were a former partner.

Proportionality is intended to be a key aspect of policing as well as the criminal justice system more widely. Within investigations and throughout policing processes, officers are to ensure that their decisions and techniques are applied in a proportionate manner (Newburn and Neyroud, 2013). Participants here spoke of proportionality along the same lines as public interest, considering whether a criminal outcome would be appropriate for young people, or equal to the act in question.

'Children at 15 years will do things with each other, that is life...I think in those circumstances a proportionate approach will need to be made' (Police DS 19)

With this comment we are again seeing the impact of the police's perception of youth digital intimacy. There is an awareness that young people will be exploring their sexuality and a punitive response is not a proportionate response. Although this cannot be generalised to all forms of image-

sharing amongst young people, some cases are harmful, and this reality needs to be internalised by the police.

‘It’s often a question asked of us...is it proportionate...if I was speaking to a general member of the public and that was their son or daughter...I would suggest they would be looking for a conviction [if it was an indecent image offence]...[would they want to see a conviction for sexting] that’s the kind of balanced view I would take on it’ (Police PC 23)

Again, participants separated indecent image offences and youth image-based sexual abuse. Some participants did this more clearly by referring to image sharing as ‘sexting’, whereas another participant identified that young people ‘do things with each other’, implying that image sharing is part of young people’s culture. The drive to separate the two reinforces the argument that police officers believe the outcomes of indecent image offences is not suitable or proportionate to youth image sharing.

Further to the above, when discussing the influence of different stakeholders, a participant suggested that seeking a proportionate response is influenced by the police.

‘The greatest influence would have to be the police in terms of what’s proportionate...but we would look to the parents and say...we think this would be the most suitable...the parents themselves would give guidance...the absence of the parents we would lean [on] child services.’ (Police PC 23)

The participant here is solidifying the idea that the police are an institution that prioritises or can identify a proportionate response. Whilst we may have seen evidence that the police are cautious about pursuing a criminal justice response to youth image-based sexual abuse, it is also the case that their ‘proportionate’ response does not necessarily centralise the victim’s experience – similar to what has been discussed regarding ‘public interest’. Proportionality can be applied in different ways, the police can decide that a response may be too punitive and therefore not proportionate for the suspect – particularly if they are young – although equally, non-criminal responses should be proportionate to the harm experienced by the victim. The latter point seems to be lacking from the police’s application of thematic discretion.

It is clear from the evidence above that the police have formed and utilised a thematic process to assist their application of discretion in cases of youth image-based sexual abuse. These themes are born from the police’s personal perceptions – similar to police discretion in general. We can see that comments made by participants in previous chapters, such as those about young people’s digital intimacy as well as the drive to not push for prosecution, are mirrored in the themes mentioned here, although concerns can be raised about the victim’s experiences not necessarily being at the

centre of the discretion. Holistically a considerable driving force behind thematic discretion being employed is likely to be the lack of clarification in legislation and policy regarding image sharing and image-based sexual abuse amongst young people. Consequently, the police have developed their own tactics for pursuing these cases.

### **7.2.3 Defining Offences, Defining Indecency**

Following on from assessing the role that police discretion plays in cases of youth image-based sexual abuse, it is important to reflect on the wider ramifications and influence that police discretion has on definitions of abuse and specifically 'indecency'. Youth image-based sexual abuse, as discussed in Chapter 2, sits within our understanding of child sexual abuse images and image-based sexual abuse amongst adults. However, legislatively – due to the definition of a child – it is conflated with child sexual abuse images and therefore there can be an ambiguous understanding of these offences and their distinctions. Consequently, the police have formed their own identifiers to separate out these offences.

Police regularly used differing terminology when discussing image-sharing – both harmful and consensual:

'Sexting between minors...revenge porn, there's erm indecent images...in terms of distribution and possession' (Police PC 23)

There are three separate forms of abuse recognised here, 'sexting' so-called 'revenge porn' and indecent images. It could be argued that with the separation of 'sexting' and so-called 'revenge porn' that the officer associates 'sexting' with consensual acts of image-sharing. However, this would be a reductive framing considering what we know about young people negotiating consent. Concerns can also be raised about the use of colloquial language which does not reflect the wide range of harmful practices.

Further officers also referred to cases involving young people as 'sexting':

'We use the words 'sexting' (Police DS 19)

'Also deal with sexting' (Police DS 5)

It is possible that the prominence of 'sexting' being used as a term amongst police officers is a both a response to encountering a number of cases where young people are sharing images. However, this language has been seen more widely amongst other policing institutions, such as the College of Policing (2016) where they briefly discuss responses to 'youth produced sexual image' or 'sexting'. Either way, it is clear that 'sexting' has found itself situated within police vernacular, yet we

understand that this terminology, alongside so-called ‘revenge porn’ does little to recognise the complexity of victim’s experiences (McGlynn, et al. 2017).

Additionally, the police are actively influencing abuse definitions and separating out offences and solidifying distinctions through the use of different terminology. These distinctions then go against what is presented in legislation. Therefore, whilst youth image-based sexual abuse and child sexual abuse images are defined under ‘indecent images’ within legislation, the police are rebelling against this and using their own definitions of abuse which are then used to decide how cases are pursued.

The latter point brings us back to a question posed in Chapter 2, what exactly is ‘indecenty’? The table below presents two very different cases, both of which were recorded as indecent image offences and yet they have vastly different contexts.

**Table 19**

**FOI Example – What is ‘Indecency’**

Description**	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Suspect named has taken a photograph of himself masturbating before sending it to the victim	12	F	M	13
Suspect named has taken a topless photo of the victim, suspect has then distributed the photo via Snapchat	17	F	14	F

\*Descriptions from police FOI responses

The examples above are both forms of image-based sexual abuse and yet the experiences themselves are vastly different. The first offence can be considered Cyberflashing (McGlynn and Johnson, 2021), whereas the second would be the non-consensual taking and sharing of a private image (McGlynn et al. 2017). In addition, it is hard to establish what exactly about these examples amounts to ‘indecenty’, although it has been proposed that in cases involving young people that nudity would be considered (McGlynn and Johnson, 2021). Through the recording of these cases as indecent images, the police have concluded that ‘indecenty’ is present and whilst there is no specific definition from the police, it has nevertheless been defined. Subsequently, beyond the legal definitions and academic understandings of image-based sexual abuse, the police are the ones who, through utilising their discretion, are deciding what ‘indecenty’ is.

Through creating their own boundaries between offences and recording cases as indecent images, the police are in fact defining what those offences are. This reinforces points made in academic literature about cyberflashing; ‘terms such as ‘indecenty’ and ‘obscenity’ are often interpreted by those who dominate decision-making’ (McGlynn and Johnson, 2021, p. 84). Whilst there are



contradictory opinions held here, with the police both separating out offences and yet recording many different experiences as indecent images, we can see that they are actively in control of how these cases are understood.

Holistically, this demonstrates the wider and considerable impact that police discretion has on defining and understanding youth image-based sexual abuse. For the police to have the power to direct and frame cases as they deem fit – for instance if they state that the case is ‘sexting’ and it should not be pursued – they are then characterising that experience, this both has ramifications for policing in general, as it is likely that we will see similar decisions replicated amongst staff, as well as for young people who could internalise the police’s definition.

## 7.2.4 Outcomes of Youth Image-Based Sexual Abuse Cases

**Table 20**

### FOI Example - 100 FOI Responses Portraying Case Outcome

Outcome**	Example Case**	Total
Type 21 - Further investigation resulting from crime report which could provide evidence sufficient to support formal action against the suspect is not in the public interest - police decision	Suspect named has admitted to sending an indecent image of the victim exposing her breasts to other people	24
Type 18 - Investigation Complete; No Suspect Identified. Crime Investigated As Far As Reasonably Possible-Case Closed Pending Further Investigative Opportunities Becoming Available	Between time and date stated the suspects sends a video of the victim and her partner having sex to multiple people as well as sending the victim abusive message. The victim is aged 16 and her partner is 17	10
Type 20 - Further action resulting from the crime report will be undertaken by another body or agency subject to the victim (or person acting on their behalf) being made aware of the act to be taken	Suspect identified has taken a screenshot of the victim naked on Facetime and uploaded it onto Snapchat	14
Type 16 - Named Suspect Identified: Evidential Difficulties Prevent Further Action: Victim Does Not Support (Or has Withdrawn Support From Police Action	Suspect named has sent a sex video of herself to her then boyfriend who has shared the video on three other social network sites	16
Type 15 - Named Suspect Identified: Victim Supports Police Action But Evidential Difficulties Prevent Further Action	Suspect has been sending messages to the victim who is a 13 year old student asking her to send naked pictures of her to him	19
Type 14 - Evidential Difficulties Victim Based- Suspect Not Identified: Crime Confirmed But The Victim Either Declines Or Unable To Support Further Police Investigation To Identify The Offender	Suspect unidentified has asked the victim to perform sexual acts on video chat. Suspect has then recorded the victims video and distributed over the Snapchat group. Suspect also distributed video in college	10
Type 10 - Formal Action Against Offender is not in the Public Interest (Police)	Suspect named has forwarded an explicit photograph that has been sent to him from his girlfriend	2
Type 8 - Community Resolution (Crime)	Suspect named has filmed the victim whilst they had consensual penetrative sex. The filming was against her knowledge. The suspect has later shared the video in order to cause the victim distress	2
Type 2 - Caution Youth	Suspect named has sent a picture of his penis to victim	2
<b>Total*</b>		<b>99</b>

\*Total 99 rather than 100 due to 1 case outcome being left blank

\*\*Exact quotes from police FOI responses

Police discretion can further be understood by assessing the outcomes of indecent image cases. The above table breaks down the various outcomes of indecent image cases where the victim and suspect were between the age of 10 and 18. As of April 2019 there were 22 police outcomes, with the most recent being Outcome 22 – deferring the prosecution to allow the suspect to participate in educational or other forms of interventions – following recommendations of the Lammy report (Youth Justice Legal Centre, 2021).

Outcome 21 which was launched in 2016 has been described as ‘the most appropriate resolution in youth produced sexual imagery cases’ (College of Policing, 2016, p. 5) which is why it is unsurprising that it was the most common outcome recorded in the 100 cases analysed. However, the use of this outcome is dependent on cases ‘where the making and sharing is considered non-abusive and there is no evidence of exploitation, grooming, profit motive, malicious intent’ (College of Policing, 2016, p. 5). This is arguably in opposition to the examples included in table 20 which would have likely caused the victim a significant amount of distress. Again, it is seeming that the decisions made by police in terms of suitable actions centre the suspect’s motivation rather than the victim’s experience.

Whilst punitive actions towards young people are unlikely to deter these instances from occurring, there should be some consistency in how these cases are dealt with. Some of the outcomes listed echo difficulties seen with other forms of image-based sexual abuse, such as cyberflashing whereby police have struggled to identify perpetrators (End Violence Against Women, 2020). In addition, whilst the College of Policing may have intended to streamline the response to youth image-based abuse with their briefing note, there is a considerable range of actions that can fall under the category of ‘youth produced sexual imagery’ (College of Policing 2016, p. 5). Therefore police officers are inevitably having to use their discretion regularly, which leads to a variety of outcomes being pursued.

With this in mind, it is worth questioning why some cases result in a youth caution, others in a community resolution and what leads to other agencies being brought in? All of the examples included in the table above are likely to have caused severe harm to the victims and yet they are not being dealt with in a consistent manner. On the other side, these examples also demonstrate the array of harmful sexual behaviour that is prevalent amongst young people. Without a consistent police response there is a lack of certainty that these cases are being fully and appropriately addressed.

It also appears that evidential difficulties were quite common amongst these cases. At times this was due to the victim withdrawing support from the investigation – which could speak more widely to the negative experience of those reporting sexual violence to the police. It is also possible that the difficulties may be a result of the technological characteristic of these offences, as mentioned with cyberflashing, the police may struggle to identify who has shared the images for instance, particularly where sites such as Snapchat have been used where messages and images disappear.

### 7.2.5 Discussion

This section undoubtedly evidences that police discretion is vital to cases of youth image-based sexual abuse and is clearly utilised throughout the case process. Interview responses and data collected through FOI's points to police discretion influencing the perception of offences, what is actually considered an offence and the outcome. This echoes points made by researchers investigating 'sexting'. Their point is that where terms account for a considerable range of behaviours, it is inevitable that there is 'a widespread reliance on discretion in deciding whether to report, investigate and prosecute young people' (Crofts, et al. 2015, p. 40).

Although participants have largely argued that discretion allows for cases to be dealt with in a more suitable manner, it is necessary to explore police subjectivity in defining the following thematic areas; 'age appropriateness', 'public interest' and 'proportionality'. These measurements are relative to what police officers consider 'obscene' (Johnson and Dalton, 2012, p. 100), but are also reflective of wider public opinions on sexual normalities (Johnson and Dalton, 2012). If we take into account how police perception has impacted on victim's experiences when reporting rape (see Hohl and Stanko, 2015) it is possible that similar concerns could be raised about the police's personal opinions on youth image-based sexual abuse, particularly with regards to the victim's behaviour and wider circumstances of the abuse. Indeed, by police utilising their discretion which is informed by subjective and individual opinion, victim's may experience feeling questioned or under pressure – similar to how young people reporting sexual assault felt (Greeson, et al. 2016) – rather than supported, particularly when there have been participants describing such instances in a jovial way, for instance, as a '*prank*' (Police PC 20). Holistically, the police may believe that they are acting with good intentions, but with subjectivity, intentions are embedded in rape culture and harmful stereotypes, and discretion can also lead to victims of sexual violence feeling that they have been second guessed or not believed.

In addition to concerns of subjectivity, police discretion here has the power to define what is abusive behaviour. This mirrors previous research into police discretion, where officers were found to 'negotiate' or 'interpret' the definition of domestic violence (Myhill and Johnson, 2016, p. 10). In this instance, youth image-sharing and youth image-based sexual abuse can account for a range of behaviours, some particularly harmful. However, it can be argued that the police are not prioritising the harm experienced by victims. Through their discretion the police are defining a young person's experience, and if we reflect on the latter paragraph, this may be fraught with gendered stereotypes.

Further to this, the discretion employed throughout cases of youth image-based sexual abuse, in addition to a muddled national response, has resulted in an inconsistent and fragmented approach to how these cases are resolved, demonstrated in table 20. There is a dichotomy between the harm experienced by victims in these cases and the severity of outcomes. It is worth repeating that a heavily punitive response to young people is not the solution. However, to what extent is harmful sexual behaviour being addressed by the police?

Again, reflecting on Myhill and Johnson's work, they stated that 'the most important factor shaping the way officers exercise discretion in relation to domestic violence is their knowledge of the issue. It was evident that some lacked the nuanced understanding of the dynamics of coercive controlling abuse' (2015, p. 16). I believe that this is particularly relevant to this discussion of discretion and youth image-based sexual abuse. It has been repeatedly mentioned in this thesis that youth image-based sexual abuse can account for a range of contexts, that it goes beyond 'sexting' and can cause considerable harm to the victim. The police themselves do not necessarily comprehend this, similar to many other institutions, such as schools. However, it is because of this lack of understanding that they are employing discretion to such a degree.

If we think about where the policing of youth image-based sexual abuse can go from here, discretion and its application is not a set or concrete procedure, rather it can differ between individuals, police forces and over time as attitudes change. Bronitt and Stenning identified that domestic violence and child abuse are two key examples of how a change in perception has impacted the manner in which police discretion is employed as both were previously considered 'private matters and thus did not warrant police intervention' (2011, p. 321). The latter proposition can be used to theorise how the policing of image-based abuse amongst young people will transform in the future. Currently the somewhat two-dimensional understanding of these cases is limiting the effectiveness of responses. However, as literature and attention on young people's cultures, peer-on-peer sexual abuse and image sharing becomes more widespread we could see a positive development in how these cases are responded to and particularly the discretion employed.

## **7.2.6 External Influences**

Whilst police discretion is driven by the police themselves, there is the possibility for external influences to either inform or direct the police during cases of youth image-based sexual abuse.

### **7.2.6.1 Unsuitable Legislation**

As section 7(6) of the *Protection of Children Act 1978* states that anyone under the age of 18 is considered a child, young people who share images of themselves or others are technically

breaching this legislation, which was pointed out by a participant:

‘When kids exchange images of themselves...they’re committing strictly speaking offences’  
(Police DS 17)

However, as discussed in interviews, it is unlikely that this was an intention of the legislation, rather a consequence of outdated laws which have not prepared for technological developments and how this would in turn impact young people’s culture, intimacy or harms. Whilst there may be polarising opinions of youth image-sharing, there was a general agreement that young people should not be condemned under this legislation.

‘Young people may take an image of one another...that’s not what the law’s there for, it’s there to protect children, not prosecute them’ (Police DS 18)

‘Kids get caught up in legislation which is inappropriate because I think the legislation is [designed] to catch child sexual offenders’ (Police DS 21)

The latter participants make an important point, the *Protection of Children Act 1978* was enacted to protect children and young people from child sexual offenders and predators (Akdeniz, 2008), whereas it currently – and probably unintentionally – has led to young people who consensually share images being swept up in it. Considering the above comments made by police officers, it is likely that they are also aware of this contradiction. Indeed, it can be suggested that this awareness then sways the police’s opinions about what is a suitable outcome in cases of youth image-based sexual abuse. Thinking back to the theme of proportionality, it is likely that officers would not consider the *Protection of Children Act 1978* as a proportionate response.

It is interesting to note that legislation in these cases, rather than directing police officers, is more repelling them. This does have a considerable impact on their discretion as it is for the most part focused away from punitive responses, with the general opinion that the legislation is inappropriate.

#### **7.2.6.2 Crown Prosecution Service**

Wariness of prosecuting young people under the *Protection of Children Act 1978* goes beyond the police, there were a number of references made to the CPS reluctance to pursue cases and differential treatment between adults.

‘In the grand scheme of things, we know that there are sentencing guidelines...there is undoubtedly...leniency...the sentencing guidelines would alter [as a result of] his age...if we were dealing with an adult subject at the time...the sentences would have been far far greater’ (Police PC 23)

The participant here is referring to the discrepancy between how harmful image-sharing is responded to when the suspect is a young person and how it is responded to when they are an

adult. This is an interesting point when we think back to concerns raised about young people as suspects receiving more consideration about their welfare than the victims. It could be argued that the CPS themselves are contributing to the latter by refusing to prosecute even in cases where the police believe it is necessary.

‘We think...that because they’re a child themselves...15 year old’s or around that area, images that they are sharing aren’t necessarily age appropriate...we would see them as a danger, but the CPS won’t let us prosecute’ (Police DC 3)

As mentioned, it is not necessarily the case that a criminal sentence would be a solution to a young person perpetrating image-based sexual abuse – although this could be more to do with the function of the criminal justice system and the extent to which it is inappropriately designed for rehabilitation – however a blanket approach to young people does nothing to address the issues at the centre of youth image-based sexual abuse. With the case quoted above, Police DC 3 believes that the young person in question could be a danger to society. However, without intervention from the CPS, it can be questioned what the steps forward or solutions are.

‘Their [CPS] view was that they weren’t going to prosecute the child’ (Police DS 4)

Young people, whether they are consensually sharing images or committing image-based sexual abuse, require a nuanced response to their actions, what the CPS in this instance is doing is negating any responsibility. Consequently, the police are left to navigate their own limited responses. This then directly impacts on discretion as it is arguably required to be utilised further than if officers had the option of prosecuting.

### **7.2.6.3 Parents, Schools and Professionals**

Police discretion may be applied by the officers themselves, however it is likely, and has been acknowledged by some participants, that their decisions may be influenced by the opinions of third parties such as parents/guardians or external professionals who are present for investigations involving children and young people. There are possibly key points during case procedure where the presence of external parties and stakeholders is felt the most and therefore has the most impact on police discretion, for instance, how reports are initially made to the police and what outcomes are considered appropriate.

Considering parents and guardians initially, a police participant described that parental involvement has directly led to instances of youth image-based abuse and image sharing being encountered by the police.

'They've been through their child's phone and found the images...in fact in all cases that I've dealt with' (Police DS 21)

Another participant recounted that whilst parents or guardians may contact the police, if they chose not to there were other routes that would lead to the police being informed about the incident in question.

'I've never had a referral from a school...I believe that they contact the parents first...I think if the parents didn't contact the police...when they [the school] fill in public protection forms it gets shared with health and the police' (Police PC 20)

Whilst it may be parents or guardians who are most likely to contact the police about youth image-based sexual abuse and image sharing, it appears that for some forces there are networks in place that would still result in reports reaching the police, with the example above, public protection forms are in use within schools.

Moving on to the role that external professionals play, a police participant explained how they utilise the expertise of others to help advise their discretion.

'I will always...happy to be persuaded by other professionals...part of my decision-making...is got to be an informed one...we've got to...defer to professionals who are empowered to...a social worker that is telling me...actually they don't think prosecution is in the child's best interest...if they can address our concerns and...mitigate them...then absolutely, I am happy to be led...by those who know what they're taking about' (Police DS 4)

This section may be addressing police discretion, but it is worth addressing that their discretion is not always necessarily based solely on their own opinions. If it is the case that most police officers encounter instances of youth image-based sexual abuse through parents then this, similar to other forms of sexual violence, means that there is the possibility for many cases to go unheard. Further, it is probable that the assistance of external professionals, such as youth workers, comes into play following the initial report. Therefore, these professionals will have more of an impact on the outcome of the case. This argument brings us back to the preliminary suggestion that there are key points in a case where external parties have the most influence.

#### **7.2.6.4 Discussion**

External influences on police discretion can be both informative or beneficial, as well as disruptive. It appears that the struggles with inappropriate legislation in addition to the limitations officers are saddled with by the CPS, encourage police officers to be somewhat more inventive with their discretion. Police officers are required to respond to cases of youth image-based sexual abuse but within the confines that are given to them, in this case, overly punitive legislation and barriers laid



out by the CPS. Looking at this more widely, the impact that these influences have on young people is also quite concerning. Considering the specifics of the *Protection of Children Act 1978* young people's actions are 'uniformly prohibited' (Setty, 2020, p. 28), but these prohibitions do nothing to support or protect many young people. Rather young people are trapped within the paradox that their actions are against the law, but in cases of youth image-based sexual abuse, the suspect is unlikely to face any serious, or proportionate penalties (outside of education) and the victim, in some situations could be blamed.

The influence of unsuitable legislation on police discretion has been explored previously. Whilst discussing Klockars' work, Cockcroft acknowledges that 'bad laws' are key to discretion being integral to policing, stating that 'some laws fail to serve a coherent purpose, for example because they were introduced for policing reasons or because, over time, they failed to remain relevant to the lives of those living under them' (2013, p. 49). It has been argued that the legislation should be revisited and updated to 'reflect the world as it is today' (Hales, 2018, p. 2), with imagery produced being legally distinguished between adults and children (Miles, 2020). These changes would allow for responses to be tailored to young people and may encourage some to report victimisation without fear of being policed themselves (Hales, 2018). For police officers, these changes would provide more direction for their discretion and possibly limit the degree of subjectivity that is currently applied.

As for parents, schools and professionals, their impact appears to take place during different aspects of the police process. Parents and schools can act as pathways for youth image-based sexual abuse cases to reach the police. With these cases in particular, because of those involved being so young, it is likely that the police would have to rely on these avenues to encounter any cases and with this, the parents themselves may be discouraged from reporting. With regards to professionals, they can have more of an impact on the outcome, particularly if the young people are referred to external organisations. Reflecting on the detailed comment made by Police DS 4, whilst much of police discretion can be subjective, it is worth bearing in mind that some officers may choose to inform themselves through a partnership with other professionals. This point moves us on nicely to contemplating and assessing the impact and purpose of non-police practitioner decision-making.

### **7.3 Practitioner Decision-Making**

#### **7.3.1 How Do Practitioners Differ to the Police?**

Participants taking part in this research who are described as non-police practitioners or practitioners, include those in positions such as youth workers, SRE educators and sexual health advisors. Their affiliation with young people differs quite significantly to the police. Researchers have

previously described youth workers for instance as those who ‘often form close relationships with young people who seek them out to help with personal problems. Young people discuss their feelings and actions with youth workers and expect or request that these discussions be kept confidential’ (Morgan and Banks, 2010, p. 157). They are often much more central in young people’s lives than police officers. Further to this, it has been described that ‘sex educators and sexual health services are in an ideal position to address some of the knowledge and information gaps in relation to LGB sexual health needs, particularly for young women’ (Formby, 2011, p. 264). Whilst this comment is specifically about the needs of LBG individuals, it is a fact that practitioners occupy a different role to police officers, such as advising on sensitive topics inclusive of those which are specific to marginalised communities such as the LGBTQIA community. It is for these reasons that I have decided to separately report on the decision-making practitioners utilise and how this then impacts on the engagement with young people.

How does the practitioner role then influence their decision-making? Practitioner 13 early into the interview stated that decision-making from their perspective is based on the young person’s emotional state, behaviour that is considered out of their norm and disclosures. Considering this comment with the research mentioned above, we are seeing that the young person’s state of being is at the core of practitioner decision-making. It was also described that practitioners, in cases of youth image-based sexual abuse, will consider whether a case should be dealt with more seriously in the form of reporting to the police, but also if the young person requires emotional support and if other’s involvement – including the police – will negatively impact on the young person (Practitioner 13). There are many different facets to the relationship between a practitioner and young person, which, unlike the police, requires a different form of engagement (Practitioner 13).

Another participant spoke of how ‘*you want to make sure the young person is supported*’ (Practitioner 15). This comment and previous ones describe what is a supportive and emotive relationship between practitioners and young people, whereas the police’s interaction will be largely confined to reported cases and their intentions more solution focused. This caregiving focus by practitioners leads to complications in relation to informing, advising, and responding to young people about image sharing and image-based sexual abuse, which will be explored next.

### **7.3.2 Tensions in Providing Advice**

The differing position of practitioners in comparison to police can make decision-making somewhat intricate as they are operating under a different dynamic which requires a more subtle intervention. One participant described that youth workers are on the informal side of things and must ensure that the conversation stays that way, which can prove difficult to balance whilst trying to reassure a

young person (Practitioner 13). They further spoke of how police officers and teachers will have the ability to govern the conversation more, whereas youth workers want young people to remain in control of the narrative (Practitioner 13). With all these factors at play, it is clear from a youth worker perspective and potentially other practitioners within a similar informal position, that negotiation plays a large part of their decision-making, particularly considering that many decisions will be informed by the young person's intentions.

It has been previously established that the legal specifics concerning image sharing amongst young people are inappropriate and do not acknowledge the contextual complexities at play.

Consequently, they place practitioners under restrictions about the advice that they are able to provide young people.

'Coming from a preventative stance, in delivering education sessions on sexting, image sharing, digital aspect of sexual health...it was really difficult to give harm reduction messages without...promoting people breaking the law...as a sex educator...it just doesn't work with sexuality...not compatible...it's like ignoring reality...challenge was balancing reality...but not misinforming people...we know this happens, we know it can happen consensually...it is normal...balancing that with the fact that...if something did get out...could lead to a criminal case' (Practitioner 12)

Practitioner 12 clearly acknowledges how outdated legislation can have such a considerable impact on sexual health educators who are trying to provide the most effective and realistic advice. It is statements such as the above which made me frame this as a tension; these limitations are detrimental to professionals trying to do their utmost to address harms and harmful behaviour.

'Left educators in a difficult position where we can't give the advice we want to give' (Practitioner 12)

This also then has an impact on young people who are not receiving the most practical advice. It appears that from many angles victims of youth image-based sexual abuse are missing out on responses they might be in desperate need of.

'As a practitioner...it's not compatible with my values...does affect your decision-making...does put the onus on you...are you gonna break policy in a way and talk about it how it is, or are you going to stick to the policy line' (Practitioner 12)

Practitioner 12 goes into detail about the resulting tension between trying to provide realistic and helpful advice to young people without advocating for what will potentially be illegal activity. This brings to light the reality of outdated legislation. Whilst the police, because of their role, have the ability to use their discretion to dismiss cases that which they believe do not require their input, practitioners will have to follow policy and law, meaning that they may be left feeling that the advice provided is not grounded in reality. Practitioners are in an excellent position because of their more

personal and less authoritative stance to provide young people with support and advice regarding image sharing and image-based abuse. However, they are unfortunately having to utilise their decision-making under restrictions.

### **7.3.3 Discussion**

Whilst difficulties in providing advice is a core barrier for practitioners, the differing role they have in comparison to police can be transformative in the way that disclosures are received as well as how foundations can be laid for prevention.

Research into child sexual exploitation identified characteristics of practitioners roles which arguably bolstered the comfort of young people and allowed them the safe space to disclose abuse; ‘practitioners reported that rapport building with young people who had been exploited in CSE cases not only occurred over lengthy periods of time (e.g., months or years) but also required repeated contacts between the practitioners and young people during which practitioners minimized their roles as authorities and maximized their authenticity as caring people’ (Ahern et al. 2017, pp. 85-86). This finding ties closely to the comments made by practitioners included in this study, additionally, the conditions required for young people who had experienced abuse to feel comfortable are specific to practitioners.

Further to the above, the manner in which practitioners present themselves is key to being viewed by young people as a figure of support. Ahern et al. found that ‘many workers [practitioners] reported the importance of having a nonjudgemental stance’ (2017, p. 84) which aided in establishing ‘themselves as trustworthy sources to whom the young people could disclose abuse’ (2017, p. 85). As mentioned in the latter paragraph and by participants, practitioners reducing their presence as a figure of authority or judgement will reveal to young people that unlike the police – in their eyes – practitioners are available as sources of support whose priority is their safety. As mentioned, the police are unlikely to operate from this position though the perspective of young people and as evidence from this project suggests, the police are also potentially likely to hold sexist attitudes and may voice opinions engrained in rape culture, which will be incredibly unhelpful for young people seeking help.

Practitioners can also be separated from the police by their physical presence. Lloyd and Fritz identified that detached youth workers – those who are based in areas chosen by young people themselves – are able to enter a dialogue with young people in spaces that they are familiar with and arguably feel more comfortable in (2017). Further stating that this ability provides detached youth workers with a deeper understanding of young people’s environments and subsequently

where harm may be occurring (2017). This is in stark opposition to the police who, if encountering a report of youth image-based abuse, are likely, to either come into contact with a young person in their home, school or the police station itself, all which may have underlying attributes of authority. The difference in physical location also has the potential to alter decision-making, rather than being limited to specific surroundings, detached youth workers in this case, can engage with young people and be more proactive with their decision-making, which would work well for preventative and responsive work.

The evidence above demonstrates how the differing roles of practitioners such as youth workers or sexual health workers can transform the prevention of and response to sexual violence. For this reason, in addition to the positionality they hold in young people's lives, practitioners have vastly different decision-making options in comparison to the police. Holistically, more emphasis needs to be put on the potential that practitioners and their decision-making has in addressing image-based sexual abuse amongst young people through means that are out of reach for the police and other stakeholders.

#### **7.4 Youth Decision-Making**

It would be neglectful when discussing decision-making and youth image-based sexual abuse to ignore the decision-making of young people themselves. A limitation of this study is unfortunately that the voices of young people have not been included due to methodological constraints referenced earlier (see chapter 4). However, through practitioner reflections I was able to gauge how self-management may be integral to young people navigating experiences of image-based sexual abuse. These reflections are useful to understand how decision-making may be employed by young people, however, the practitioners here do not speak on behalf of young people, rather they are interpreting their observations and I building from there.

##### **7.4.1 Self-Management and Community Management**

In chapter 8 the theme of gendered distrust in the police will be explored, unpicking how young people may be unwilling to reach out to the police or cooperate in cases of image-based abuse due to fears of being criminalised or feeling that their needs are not prioritised. This itself may impact on young people's decision-making as they could feel more comfortable responding to the situation themselves rather than reaching out.

'Any kind of relationship issue that could be violent...a young person will be likely to recognise that that's wrong...older [adolescents] they will want to manage that themselves...usually will not want teachers, social workers, police getting involved'  
(Practitioner 12)

There is also the possibility for young people's communities to be central to management.

'The cases that don't go to the police, tend to be the ones dealt within the communities...say you know this person who's sharing the images...and they're part of your peer group, it's a lot harder to call them out...than if it's a stranger' (Practitioner 12)

Previous evidence in this thesis suggests that in many cases youth image-based abuse occurs within peer groups and as a result there is a prior relationship of some sort between the victim and suspect – which is also similar to image-based abuse experienced by adults (Henry, et al. 2021). For this reason, victims may choose to use their community to organise a response they deem appropriate. Arguably, this point is similar to other issues young people will encounter such as arguments between friends, which remain to be resolved within the peer group.

Having an awareness that young people may choose to self-manage these experiences could inform practitioner's decision-making. One participant argued that if information about image-based sexual abuse was disseminated more broadly, communities could be made safer and young people may feel more confident and comfortable to say no or address harmful behaviour (Practitioner 15).

Whilst the evidence is limited here and I am building on reflections made by practitioners not young people, a key point to take from the discussion about youth decision-making is that if some young people prefer to self-manage situations, then the best step to take for practitioners and police will be to provide these young people with the information, tools, and confidence to assist them in their self-management. Unfortunately, this remains difficult for practitioners to navigate with the restrictions placed on them by legislation.

#### **7.4.2 Discussion**

To further understand the possible self-management and community management employed by young people, it's important to bring in broader literature to support claims made by practitioners. The research can speak to why young people may feel more able to reach out to communities, and the important role that peer groups play in the management and potential prevention of image-based sexual abuse or sexual violence more widely.

Research analysing help-seeking amongst victims of 'relationship violence' found that 72% of victims 'who disclose their experiences with relationship violence disclose to their friends first' signifying that 'adolescents are in a unique position to provide support to peers involved in relationship violence' (Fry et al. 2013, p. 330). Further research identified that young people may prefer a "peer-based' delivery of interventions' as it was considered "easier' to engage with peers' and more 'likely to 'clash' with adults' (Setty, 2020, p. 150). Adults were viewed as having a lack of understanding

about young people's lives, which the researcher situates within the wider context of a focus on abstinence and consequences to actions (Setty, 2020). Additionally, participants in the research believed that 'peers can stand up for one another and be a source of tolerance, understanding and support' (Setty, 2020, p. 151). Evidence from both studies recognises that the characteristics of young people's friendships and peer groups can be particularly useful for managing disclosures of sexual violence. For instance, it is likely that these peer groups will be a source of support and comfort for young people and therefore if one individual is under some form of distress or experiencing harm, the peer group will respond to this in a caregiving manner. Many adults may wish to respond in the same way, however the lack of understanding about youth culture, as touched upon by Setty (2020), in combination with an arguable preference for denying the sexual autonomy of young people, will potentially negate any impact they could have.

It was also reported by Fry et al. that 'adolescents are highly likely to respond to the needs of their victimized peers', additionally, 'programs designed to better support and educate adolescents about help-giving may have positive and far-reaching implications for adolescent victims of relationship violence' (Fry et al. 2013, p. 331). This finding could influence the future of how messaging is delivered to young people. Rather than harm reduction campaigns focusing on adults passing information on to young people, help-giving skills could form the centre of these educational sessions. Similar to a comment made by Practitioner 15, giving young people the skills on how to best support their peers who are experiencing abuse will mean that those who are likely to be the first point of contact for victims can feel more comfortable providing advice and support.

Whilst it is clear that young people's peer groups and communities can form a supportive ring around those young people experiencing abuse, this does not mean that abuse cannot occur within a peer group. Referring back to Chapter 6, there is still the potential for image-based sexual abuse to occur within friendships. Therefore, wholly relying on young people to manage these situations may be more complicated than presumed if the abuse is between friends, rather than an intimate relationship, which has been noted by (Practitioner 12).

However, it is clear from previous research evidence, alongside comments made by participants, the 'valuable role played by adolescent peers of victims' (Fry et al. 2013, p. 332). Young people's communities will inevitably be involved in incidents of image-based sexual abuse and are undoubtedly integral to young people's decision-making. As a result, it is necessary when discussing decision-making and management of abuse, to situate young people and their peer groups on the same level of importance as practitioners and the police.

### **7.5 Impact of Positionality on Discretion and Decision-Making**

Reflecting on the different forms of discretion and decision-making employed, it is clear that each party here has different intentions behind their decision-making. The police may be solution focused (more specifically criminal justice solution focused), whereas youth workers will be more focused on the wellbeing and health of young people, mostly leaving it in the young person's hands as to whether they want to contact the police. Finally young people themselves may prioritise steps that they consider in their best interest or community management where those involved are limited to their peers.

This has implications for the holistic policing and prevention of youth image-based abuse as there are three different responses occurring, the police are more likely to be reactive and reliant on instances being reported. Practitioners will have a continued relationship with young people and can address image-based abuse both in a preventative and reactive manner, which is similar to young people themselves, although they are situated within the community and will potentially have personal experiences themselves.

### **7.6 Summary**

The intention of this chapter was to explore the way that police discretion is employed in cases of youth image-based abuse. I have proposed the term thematic discretion to describe how the police utilise their discretion in a thematic manner – which can be highly subjective – this is arguably the result of a disjointed national response to youth image-based abuse as well as historic and thus outdated legislation. A vital finding presented in this chapter is the role that external organisations play in influencing police discretion, but also independently in preventing and responding to youth image-based abuse. Different tools and techniques are utilised by different parties in these cases, which result in different outcomes, some of which may be more appropriate than others. In whole, the complexity and the challenges of addressing youth image-based abuse echo through the decision making used in these cases, further evidencing that there needs to be an overhaul of the national response.



## Chapter 8: Challenges of Policing Youth Image-Based Sexual Abuse

*'Policing is broken, it's desperate' (Police Staff 6)*

### **8.1 Introduction**

This chapter explores both internal and external challenges to policing youth image-based sexual abuse. Policing over the last decade has been forced to evolve in the face of technological developments and consequently an influx of new forms of crime, at the same time, there have been cuts to funding and personnel. Whilst these factors have impacted on the police's capacity to deal with crime, police culture has proven to influence the extent that victims of sexual violence feel supported or confident in the police. It will be established through reviewing the themes of social media, resources and gender, that the police have external constraints which limit both what they are able to deal with and how. Additionally, there are significant reflections that need to take place when dealing with sexual offences to ensure that victims view the police as part of their help-seeking rather than furthering their distress and trauma.

### **8.2 Social Media**

It has been regularly stated that the online environment has become a feature of sexual violence and abuse (Dragiewicz, et al. 2018; Henry and Powell, 2016). Whereas image-based sexual abuse research has established that pornography websites are regularly used, alongside social media, by perpetrators to upload imagery non-consensually (McGlynn, et al. 2019; Henry, et al. 2021), findings from this research suggest that for young people, social media plays a much larger role in the perpetration and facilitation of image-based sexual abuse.

The table below presents information on social media platforms that were most commonly recorded in police FOI responses. Snapchat was overwhelmingly the most likely to be quoted in cases, being mentioned over three times the amount of Instagram, which was the second most common. Whilst this is somewhat unsurprising with the central feature of Snapchat being the ability to send images, it is concerning to see it so regularly referred to in police reports. Whilst research included in Chapter 2 identified that users send sexual images on Snapchat (see Roesner, et al. 2014), the below findings confirm that the platform can and is used in harmful ways. In addition to Snapchat, two other major social media platforms were referred to in police FOI responses; Instagram and Facebook. In comparison to Snapchat, the numbers for both these platforms were relatively low, However, 39 of the 100 cases – where a brief description of the case was provided – included references to social media, that is almost 40% and quantifies the prominence of social media in youth image-based sexual abuse.

**Table 21****FOI Example - Subset of 100 Cases From FOI Responses Where Social Media Was Mentioned (n=39)**

Platform Recorded	Percentage Mentioned	n
Snapchat	61.5%	24
Instagram	17.9%	7
Facebook	5.1%	2
Social Media	15.4%	6
<b>Total</b>		<b>39</b>

Looking further than specific mentions of social media, it is also worth understanding how exactly it is used in cases of youth image-based sexual abuse and whether the context differs depending on the platform. Table 22 includes a description of five cases where the two most common social media platforms, Snapchat and Instagram, have been mentioned.

**Table 22****FOI Example – Social Media Enabled Abuse**

Description*	Victim Details		Suspect Details	
	Age	Gender	Age	Gender
Suspect named received an inappropriate image from victim suspect has then distributed the image on an Instagram group	13	F	14	M
Suspect named has sent a Snapchat video to other school students which appears to show three males under the age of 18 and one female under the age of 18 engaging in sexual activity including penetrative and oral	14	F	15	M
On date stated ex partner of victim posts to Snapchat feed an indecent video of the victim which was taken by him when she was 15 years old. On same date the suspect's new girlfriend distributes the video by sending same to victim via Instagram which victim believes is a threat to further share the video		F		M,F
Suspect has taken a photo of his penis and sent it to the victim via Snapchat	16	F	12	M
The suspect has then posted two naked pictures of the victim into a Snapchat group, victim was informed and it was then reported to the police	14	F	16	M

\*Descriptions from police FOI responses

Across these cases it can be seen that social media is used to non-consensually share images and videos. In the two cases where a video was shared, Snapchat was used, with one case being both Snapchat and Instagram. Images were shared through both Snapchat and Instagram, but an Instagram group specifically. There are a range of different abusive practices which can be accounted for amongst these cases, for instance, non-consensually sharing a private sexual video, threats to share videos, cyberflashing and non-consensually sharing private sexual images.

Consequently, social media has the ability to facilitate numerous forms of youth image-based sexual abuse. Wider research has reported similar findings, specifically conclusions from the Ofsted investigation noted that online spaces and social media were being used to send pictures or videos non-consensually, pressure images to be sent, non-consensually share images widely, have photographs or videos taken non-consensually and images or videos being shared without knowledge (2021). Considering both this research and the Ofsted investigation, evidence points to social media platforms both being central to the perpetration of youth image-based sexual abuse, as well as contributing to its occurrence.

In Chapter 2, different technological features of platforms were raised as being either harmful or have the potential to be utilised for harmful purposes. Focusing in on Snapchat due to it being the most commonly cited platform amongst police FOI responses, I would argue that the technological features of the platform – disappearing images and messages – enable it to be exploited to perpetrate numerous forms of image-based sexual abuse. Suspects can quite easily share content for harmful purposes, for the evidence to then disappear. Researchers have theorised that ‘the ephemeral nature of Snapchat messages naturally evokes the idea of its use for privacy-sensitive content’ (Roesner, et al. 2014, p. 2). Images only being available for a limited amount of time arguably makes the ability to take a screenshot tempting; ‘in light of these capabilities, websites have emerged that encourage people to post screenshots of embarrassing or sensitive “snaps”’ (Roesner, et al. 2014, p. 3). Indeed, beyond Snapchat itself being used to share non-consensual content, it has encouraged a space to be created where ‘embarrassing’ screenshots can be further shared, physically extending the abusive practice.

The findings above both evidence that social media platforms, and in this case Snapchat in particular, are now a facet of sexual abuse which is either wholly or in part perpetrated online. For youth image-based sexual abuse specifically, it appears that social media is integral to the abuse, with images either initially or continually shared through online platforms. Whilst here I have proposed that there are technological features that enable this, specifically disappearing images and messages, there is also influence from the culture that surrounds social media, influenced by the way it is engaged with.

### **8.2.1 Culturally Facilitating Abuse**

It has been identified how technological features of online platforms can be harnessed to cause harm, but social media plays a role in the facilitation of abuse beyond its technological capabilities. These platforms can arguably act as an extension of incidents of sexual violence as well as providing

further space for abuse to occur and transform. As described by Gavey, social media platforms and similar digital landscapes have shaped 'new cultural conditions of possibility for sexual violence' (2018, p. 229). Drawing upon theories such as the cultural scaffolding of rape and cultural schemas, I will explore how social media platforms both provide space for perpetrators of sexual violence to continue their abuse, as well as influence how abusers interact with digital spaces.

Research investigating how perpetrators use technology to commit abuse has been previously referenced (Dragiewicz, et al. 2018; Henry and Powell, 2016), diving deeper into this point and thinking beyond how technology is physically used to perpetuate abuse, there is also the possibility for technologically facilitated abuse to be an extension of physical sexual violence. High-profile examples of this include the abuse of Jane Doe in Steubenville who was raped and sexually assaulted by different high-school aged boys, the abuse she experienced was also photographed and shared over social media (Dodge, 2016). A similar incident occurred in Canada where Rehtaeh Parsons, 15 at the time, was sexually assaulted and photographed during, these images were then shared on social media platforms. Parsons ended up taking her own life (Dodge, 2016). Similarities can be found between these distressing examples and cases lifted from police FOI responses in table 22, particularly those describing incidents including the recording of non-consensual sexual activity which has been shared (whilst it is not clearly stated in the police responses that the sexual activity was non-consensual, in one case the victim was 14 at the time and therefore under the age of consent). The commonality here is that the actions occurring in each of these cases were continued through their documentation on social media platforms; 'it is the photograph that allows the event to be shared and, thereby, allows the degradation of the event to continue indefinitely...This is the photograph's power of temporal extension in action' (Dodge, 2016, p. 70). What we are seeing here is a transformation in the manner that sexual violence takes place, it is understood that abuse can exist solely on digital platforms, beyond social media, and physically, however, these cases and the non-consensual distribution of images demonstrate that both can be tangibly linked through an extension of abusive experiences; 'these girls were left not only to deal with the effects of being sexually assaulted, but were also left to grapple with the humiliation of their assaults being shared over and over again on social media networks' (Dodge, 2016, p. 66). Social media itself can now be defined as a mechanism to prolong sexual violence as well as creating new forms (Dodge, 2016).

Considering the regular use of social media in cases of online sexual violence, it is worth unpacking and analysing these digital landscapes to identify how their nature may further facilitate abuse. Gavey describes that social media creates 'cultural conditions of possibility' (2018, p. 229) whilst reflecting on the Steubenville case cited earlier, I believe this conjures up how social media facilitates an environment where sexual violence and rape culture is maintained. Focusing on

Snapchat in particular, researchers have described that 'through its invisibility, ephemeral media provides a discourse conduit that can perpetrate asymmetrical power relations.' (Charteris, et al. 2018, p. 216), additionally, the voyeuristic nature of Snapchat has been addressed; 'applications such as Snapchat...provide a social landscape through which teens surveil themselves and others' (Charteris, et al. 2018, p. 206). This analysis highlights how the identifiable features of Snapchat inherently provide a foundation for abuse to be facilitated. Further expanding on this point, it is useful to reflect on what Haslanger describes as 'cultural schemas'; 'clusters of culturally shared (public) concepts, prepositions, and norms that enable us, collectively, to interpret and organize information and coordinate action, thought and affect' (2015, p. 4), these have typically been 'internalised through socialization' (Haslanger, 2018, p. 235). Relating schemas to social media and the role it plays in the occurrence of non-consensual image sharing, I propose that as 'schemas we employ to interpret the world are confined by the world they have shaped' (Haslanger, 2018, p. 244), the manner in which individuals interact with image-based abuse on social media, is influenced by the platforms themselves and how they are used. This is reinforced by Dodge's (2016) application of Judith Butler's work 'Torture and the ethics of photography'. Dodge echoes Butler's findings that 'our ability to respond ethically to photographs of human suffering is influenced by the way a photograph is presented to us' (2016, p. 71). If we apply this thinking to the non-consensual sharing of images on social media, these platforms, particularly Snapchat, are arguably not spaces in which images of abuse are going to be shared in a critical manner, rather with the intention to shame and humiliate, therefore these emotions will then largely be mirrored by those who view and ultimately share the images. This can be evidenced by the fact that images of victims Jane Doe and Rehtaeh Parsons were shared whilst projecting that they were 'sluts' and 'whores' (Dodge, 2016).

A prime example of this occurring amongst young people is through the existence of 'bait out pages'. Practitioner 14 described these as pages hosting videos of girls either consensually or non-consensually being recorded performing oral sex or having sex. Further research has detailed that 'bait out pages' 'invite young people to share nude images or sexual gossip about their peers' (Project deShame, 2017, p. 40), reinforcing that "shaming" culture is particularly targeted at girls' (Project deShame, 2017, p. 48). Reflecting on cultural schemas, with images being uploaded to 'bait out pages', they are inherently shared with the purpose of shaming the young women or girls in the pictures, therefore those individuals who view these images will be viewing them under this guise, furthering the shame and abuse. Holistically 'bait out pages' have been shaped as an abusive tool and thus viewers will be socialised to interpret any images hosted on the pages in an abusive manner.

Drawing this thinking together, it is the inherent features of social media platforms which shape our use, Snapchat has been described by a participant as *'known to be illicit in the way people use it'* (Practitioner 12), therefore, the way individuals interact with social media facilitates its use for committing image-based abuse, however, equally, it provides a landscape for non-consensual imagery to be viewed in a particular manner, one that is typically directed by the distributors. There is a cycle of abuse occurring which is partially facilitated by these platforms.

### **8.2.2 Compliance**

Numerous comments were made by participants outlining the struggles they encounter when attempting to access information from social media platforms, this has been previously documented by Powell and Henry (2018). The reality is a troubling dynamic between the police and social media companies which hinders the ability to address image-based abuse effectively and efficiently. Concerns were initially raised about the barriers officers encounter when requesting information from platforms:

'It gets a lot more complicated if they've been using a social media platform' (Police DS 18)

The above participant points out initially that image-based cases – whether this be image-based sexual abuse, indecent images or youth image-based sexual abuse – become much more complicated if a social media platform has been used. This is a concerning statement since previous findings in this chapter establish that social media is now a regular feature of youth image-based sexual abuse. It is likely that social media provides difficulties both with regards to harmful features as well as the struggle with accessing information.

'There are still some massive [issues] what information social media will make available to law enforcement' (Police DS 5)

Image-based abuse taking place on social media platforms that are privately owned creates specific practical problems for the police. Here the participant is describing that there are limitations to the amount of information made available to the police, possibly because those who own the platform, or those who are in decision-making positions, will be able to dictate what information is provided.

'They could help us a lot more, we shouldn't have to go through hoops just to get a bit of information' (Police Staff 6)

Building on the previous comment, it appears that further practical concerns arise in the form of the police having to negotiate, or request that information is provided to them, what must be equal to filling out paperwork.

'Have quite a lot of trouble getting information from Facebook' (Police INV 9)

There seems to be resistance from companies to supply information which is possibly down to the fact that it is a choice on their behalf, something which has previously been criticised by the NSPCC (2019). It has been suggested that these hesitations are linked to privacy concerns, with one participant stating that social media companies '*hide behind privacy laws*' (Police Staff 6) and whilst there was an understanding about personal content being private (Police DS 5), an argument was made for it being too late to preach about privacy rights; '*so much more information that could be provided...and I get that about content, content is private...we've come too far down the road of creating a massive thing that needs to be policed*' (Police DS 5). Here the participant somewhat echoes previous discussions, that social media and online platforms facilitate and enable abuse of all forms and consequently they need to be policed.

Further to concerns about privacy being used as a tool to legitimise no action, one participant criticised the money-orientated focus of social media platforms, who are willing to invest significant funds in order for individuals to socialise but are resistant to dedicate money to improve tools which identify abusive imagery (Police Staff 6). It was suggested that with the wealth that is housed by these companies, there should be '*data mining*' and '*image mining*' technology available that the police can access the internet with (Police Staff 6). The core argument being made by police officers, both with regards to privacy and money invested, is a frustration about the discrepancy between the seriousness of image-based sexual abuse – inclusive of child sexual abuse images – and the assistance that is provided by social media companies.

The intervention of the law is something that was discussed as a solution to social media companies denying responsibility. Certain platforms that are typically being used to commit abuse may be outside of the jurisdiction for police officers; '*there are applications were we don't have any jurisdiction and they are often the ones being used...Facebook Messenger, Snapchat...quite often the server that holds that material is based in a foreign country...if those messages have been deleted or in the case of Snapchat it's not actually stored...it's nigh-on-impossible to get that back*' (Police PC 23). This again goes back to previous discussions on the harmful features of social media platforms, Police PC 23 specifically mentions disappearing images on Snapchat, in addition to this feature being exploited, it is also considerably difficult to police. The participant then stated that '*if it was written into law...if it was an agreement that we can share consented data...apply for data on certain categories of offences...they would be compelled to offer that data to us*' (Police PC 23). These comments lead us into contemplating the implication of the Online Safety Bill 2021:

‘The online harms bill, first proposed by Theresa May’s government in April 2019, sets out strict new guidelines governing removal of illegal content such as child sexual abuse, terrorist material and media that promotes suicide, which sites must obey or face being blocked in the UK’ (Hern, 2020)

Rather than offering rules about information sharing, the Online Safety Bill will apply a code of conduct which if not abided by will allow Ofcom to ‘levy unprecedented fines of up to £18m or 10% of global turnover. That would leave a company such as Facebook potentially paying £5bn fine for serious breaches’ (Hern, 2020). Although these figures may seem large, it can be argued that these regulations being applied don’t address the key concerns that police raise, such as a need for companies to be compliant when information is requested. Additionally, the proposals have been criticised stating that it will drive content onto smaller online platforms who do not have the financial or physical resources to comply (Hern, 2020).

Additional criticisms have been made against the Online Safety Bill which echo concerns around image-based sexual abuse legislation. Initially the Bill was primarily focused on perpetrator motivations – comparable to voyeurism laws – as a result, many victims would be susceptible to loopholes where specific motivations would have to be proved (End Violence Against Women, 2022). However, very recently recommendations have been made to the government for the law to include a consent-based approach which would more readily protect victims (End Violence Against Women, 2022).

Overall, the police face considerable barriers to accessing information from social media platforms. This arguably demonstrates significant deniability from the owners of these platforms who are profiteering whilst their products are being used to facilitate abuse. Whilst the Online Safety Bill may offer hope in the form of regulation, whether it will have a wide-ranging impact and resolve the police’s encounters with social media companies, is something that will have to be seen.

Furthermore, as with many pieces of legislation concerning image-based sexual abuse, it is possible that we will yet again see omissions, even with the recommendations made by the Law Commission.

### **8.2.3 Discussion**

The latter findings demonstrate the multitude of roles that social media plays in the facilitation of youth image-based sexual abuse. It is clear that whilst there are technological features which can be exploited for harmful purposes, the impact that social media has on the occurrence of youth image-based sexual abuse extends far beyond the ability for images to disappear – as in the case of Snapchat. There is also much to be said about the cultural impact of these platforms and particularly how young people engage with them. Referring back to Gavey and the ‘conditions of possibility’



(2018, p. 229), it is the partnership of both technological capabilities and the manner in which these platforms are used that combine to create a particularly fertile space for sexual violence and abuse to occur. Whilst these suggestions are not made with the intention of removing any of the responsibility and blame from the suspects, there is a considerable amount of evidence from high profile examples, such as Steubenville, which demonstrate how sexist attitudes and abuse can be extended and prolonged through social media platforms, something that would not exist without their prominence.

Further to technologically and culturally enabling violence and abuse, social media platforms also actively avoid any responsibility for the harms that take place on their platforms. A number of police participants described that social media made cases of youth image-based sexual abuse more complicated, one specific example is the lack of information police were able to acquire from these platforms. This is consistent with other research projects investigating technologically facilitated abuse (Powell and Henry, 2018), which possibly points to there being a general disregard amongst these companies to actively address abusive practices. One police participant summarises it well:

‘Instagram, Facebook, same with Tik Tok...all of these platforms are completely unpoliceable’ (Police DS 23)

In addition to platforms being resistant to providing information to the police, young people themselves have criticised social media reporting tools. Of the young people included in the Project deShame report who were based in the UK, when discussing the barriers that prevented them from reporting abuse on social media sites, 43% stated that they did not think it would help, 43% thought that the platform themselves would not do anything about the abuse, 20% thought it was too much effort and 17% did not know how (2017). With this in mind, platforms may be vocal about the fact that there are areas which users can report abuse, but the effectiveness of these reporting tools can be called into question. The absence of a duty of care here portrays how young people’s safety fails to make the list of priorities for social media platforms and is not worth consideration in comparison to the monetary opportunities afforded to these companies.

What we are left with is an environment where police are challenged on their technical capabilities, as well as legally due to the lack of authority and jurisdiction they have over social media companies. Further to this, social media and its features have challenged the police’s comprehension of sexual violence, the use of the online environment to perpetrate and extend abuse has added another dimension to current understandings of sexual violence and gendered abuse more widely. Overall, the police are having to navigate a complex and at times tedious ground to progress cases, where they are continuously encountering barriers.

### **8.3 Resources**

One of the most compelling arguments made by police participants related to the lack of funding and resources available to police forces across the country. They firmly believed that these constraints have a considerable impact on their ability to pursue many abuses, including youth non-consensual image sharing. Repercussions from austerity have been felt in many facets of society (Macdonald and Morgan, 2021; Cummins, 2018) to specifically focus on policing, cuts have been evidenced by the reduction in recruitment, use of outdated technology, tighter spending capabilities effect some departments disproportionately depending on the resources and time they require (Mann, et al. 2018). This section will present police participant's perspectives on three specific resource challenges; austerity and police cuts, technology and Covid-19.

#### **8.3.1 Austerity and Police Funding**

Monetary cuts and financial constraints have been documented in the news, with articles stating that a crisis was incoming due to potential further cuts on top of disruptions and pressure caused by Covid-19 (Dodd, 2020). Echoing the latter, participants were quick to establish that a lack of funding was the primary cause of many of their concerns or barriers to effectively police youth image-based sexual abuse and child exploitation more widely:

'The funding we have, the budget we have...it's not there...the main obstacle is funding...us being able to have the tools we need' (Police INV 1)

The above participant points to how a lack of funding can directly impact on the 'tools' that police officers require to investigate certain crimes. It is known and has been repeatedly stated in this thesis, that technology has redefined how people perpetrate and experience sexual violence and abuse. To pursue cases related to the online environment – which extends beyond youth image-based sexual abuse – the police will be utilising different means, however, if they are already limited by funding, it is hard to imagine that they will be able to police anything effectively and efficiently.

'We haven't got the money' (Police Staff 6)

'The money's not there' (Police DS 18)

When discussing the challenges of policing and whether any mitigations or plans were put in place to address youth image-based sexual abuse, some police participants were more explicit in identifying that there is a dearth of funding in policing.

Research has identified that 'overall police officer numbers fell by 14.3% between 2010 and 2019, from approximately 143,700 to 123,200 officers' (Draca and Langella, 2020, p. 13) and whilst on the surface it appears that this will be reconciled by the government's intention to hire more officers,

the effects of these cuts have been experienced disproportionately by area and department (Draca and Langella, 2020). Participants unsurprisingly criticised the reduction in policing numbers, with specific disapproval being aimed at the government's proposal of 20,000 recruits:

'Those 20,000...when you divide it between 43 police forces...when you look at each team and each station...there doesn't feel at this stage [that there's] been any uplift' (Police PC 23)

Reflecting on cuts being experienced disproportionately, Police PC 23 makes a valid point that a blanket solution, of hiring 20,000 police officers will not have a wide-ranging impact or even be felt equally across all police forces and departments. Additionally, considering the degree to which concerns are being raised about a lack of funding, it is questionable as to whether 20,000 recruits will address the core problems.

Returning to disproportionate impacts, specific participants claimed that priorities differed regarding investment from the government as well as what cases were considered more urgent to deal with. Referring to the approximate £25 million that Sajid Javid intended to invest in policing child sexual exploitation when he was Home Secretary, one participant stated '*I would argue that there are more children being abused than ISIS sympathisers*' (Police Staff 6). The participant challenged the investment made by the government suggesting that more money is invested into counter terrorism than policing child sexual exploitation, making a clear statement about the government's priorities; '*If we applied a fraction of the response...to dealing with child sexual exploitation, we wouldn't be having this conversation*' (Police Staff 6). These comments are troubling but have been somewhat reinforced by recent police watchdog claims that violence against women and girls should be treated with the same urgency as counter terrorism, organised crime and county lines (Grierson, 2021).

Statements made by police officers, in addition to the Watchdog suggestions, highlight the unequal experiences across policing departments, it is not necessarily the case that extra funding would solve the issues voiced by police officers, rather there must be a top-down drive starting with the government to actively address youth image-based sexual abuse and child sexual exploitation as a whole. Unfortunately, with the current government and a prime minister who described policing historic child sexual abuse as 'spaffing money up the wall' (Sabbagh, 2019), it is hard to imagine the lack of investment changing in the near future.

There are significant trickle-down impacts of the lack of investment, in this case, the police are forced to prioritise certain offences over others. One participant claimed that when collectively considering the caseload police officers are dealing with young people sharing images does not sit high up on the agenda:

'I've got 24 calls, 4 neighbour complaints, 3 breach of restraining order...2 domestic assault...going to prioritise...[certain ones such as the domestic assault] which you want to get progressed because there's going to be a risky victim...[not counting emergency responses]...in the course of that...if I've got a 15 year old kid...how [fast that can fall down the list of priorities]' (Police DS 21)

This statement has implications for both the danger of an excessive police workload and how police discretion is influenced by resource concerns. Firstly, whilst it is understandable that domestic assault cases would be prioritised by the police, there are presumptions here as to which victims are at risk. Findings in this chapter have identified the significant harm that victims of youth image-based sexual abuse can experience, if the police consistently perceive these cases as less risky it is possible that victim's experiences will go unaddressed and the police will continue to be viewed as unhelpful (McGlynn, et al. 2019). The process of prioritising 'higher risk' cases is in itself evidence of how police discretion plays a part of youth image-based sexual abuse. Centring 'risk' in policing mirrors previous research by Myhill and Johnson on policing domestic abuse (2016). For instance, whilst there may be a dependence on the perception of risk in policing, this can at times be difficult to decipher, particularly regarding certain domestic incidents considered by police as low or no risk, in reality it may be that these incidents are 'cumulative for the victim' (Myhill and Johnson, 2016, p. 16). Considering the latter and youth image-based sexual abuse, it is possible that there is a general presumption that these cases are low risk, and as mentioned, this may not be accurate.

'The service in its entirety is stretched' (Police PC 23)

The statement by Police PC 23 really encapsulates the extent to which resource constraints can impact policing. The idea of being 'stretched' relates to monetary factors, time and personnel, all of which have the ability to make policing youth image-based sexual abuse harder. Overall, it is quite clear that police participants had strong feelings about the lack of resources and investment they receive from the government to address child sexual exploitation as well as youth non-consensual image sharing. It is worth contemplating whether any future changes will address this since there is arguably more of a focus on gendered abuse in light of the 2021 Ofsted report on sexual abuse and murder of Sarah Everard as well as treatment of Nicole Smallman and Bibaa Henry.

### **8.3.2 Technology**

Following on from concerns about resources, technology, and more specifically its insufficiency, was regarded as a limitation in the policing of youth image-based sexual abuse. As referred to in the latter section, restrictions on budgets have left police operating out-dated equipment, one participant described '*if you can imagine slowness, that what it looks like*' (Police Staff 6). Considering that youth image-based sexual abuse takes place primarily or wholly online, it is

concerning to hear that police officers responsible for pursuing these cases are working from equipment which is not proficient in itself. This was addressed by another participant who stated that *'the technology has gotten ahead of our ability'* (Police DC 2), referring to the technology used by perpetrators and the police, this participant identifies a distressing trend, that the police are technologically on the back foot.

'We, as a state, are not keeping up with the bad guys' (Police Staff 6)

Whilst the above participant has described the situation in a colloquial manner, it is true that a chasm is starting to develop between the police's technological capability and perpetrator's technological capability.

'People can just remain anonymous online' (Police INV 9)

The above example is just one factor that can drastically impact on the policing of youth image-based sexual abuse and child sexual exploitation. Whilst this can arise from more complicated means – such as accessing the dark web or using a VPN – concerns about anonymity are also present on social media, which we know to be common with youth image-based sexual abuse. Individuals can make social media accounts with different names and ages, amongst other factors and to an extent, be untraceable. With the lack of assistance from social media platforms, alongside the police's technological limitations, it is clear how almost minor technological capabilities can disrupt policing.

These barriers then impact on how cases are progressed and consequently whether prosecutions can be sought:

'I've got several cases that I've been waiting 6 months for computers to be downloaded...these are high-risk cases...delays access to justice' (Police DS 18)

The above concerns echo previous comments made by researchers; Jewkes and Andrews stated that officers faced 'an ever-ascending uphill struggle' (2005, p. 51) with the enormous amount of data produced from child abuse offences, in comparison to the resources and technical capabilities.

Reflecting on this, it is worth considering, firstly, whether victims of technologically facilitated abuse of any form will ever be able to holistically have their cases dealt with. There are clearly numerous barriers preventing police from accessing evidence either from the suspect themselves, or the online platform where the abuse has taken place. Here, every step requires time and expertise from the police, which at the moment they do not have the capacity to dedicate. This is evidenced by the above statement with some cases taking 6 months or longer just for the information from seized devices to be downloaded. Secondly, technological development shows no sign of slowing down, there are constant debates being had for more forms of image-based sexual abuse, or

technologically facilitated abuse more widely, to be recognised by legislation and understood by the police. With this in mind, there is a very real concern that the police will continuously find themselves chasing technologically facilitated sexual abuse rather than the police being able to efficiently and effectively respond to these cases.

### **8.3.3 Covid-19**

It would be negligent to reflect on policing resources without acknowledging the impact that Covid-19 has had. Police forces have been required to invest money into protective gear and equipment to provide officers continuing face-to-face work, whilst maintaining the same services (Dodd, 2020). Additionally, crime committed since the pandemic has altered with some taking place on different platforms and reports of others, such as domestic violence, significantly increasing (HMICFRS, 2021). With youth image-based sexual abuse and child sexual exploitation, there were concerns that the police would see an increase in reports:

‘Unfortunately, a huge increase’, ‘domestic abuse and online offending’ (Police DC 2)

The above participant predicted that there would be an increase in reports of different forms of online offending and domestic abuse. When asked about child sexual exploitation, they also suggested that there would be a startling increase. Other participants voiced similar certainty when asked the same question:

‘It’s got to increase’ (Police DS 4)

‘We’re expecting an Avalanche of cases’ (Police DS 8)

‘Massive increase, absolutely’ (Police DC 3)

With participants from different forces all expecting there to be an increase in forms of online abuse, it is likely that these expectations extend beyond geographical confines and that many other forces may have had similar concerns.

When enquiring as to why the participants expected there to be an increase, many came to the same conclusion that many people, including young people were likely to be spending more time inside and therefore online to maintain connections.

‘People will be bored...now more than ever there will be more people online using chat rooms’ (Police INV 1)

Police INV 1 makes a very good point about the use of chat rooms. With the isolation that people experienced during the numerous lockdowns and Covid-19 in general, there would have been an increase in the use of online chat platforms. This would have likely been the case for young people

and adults and whilst many young people may have used these platforms to connect with friends they could no longer see, they would have also been vulnerable to exploitation.

‘Obviously people are at home a lot more...people being at home, they’re able to go online’  
(Police INV 9)

Regarding the perpetration of online abuse, lockdowns and Covid-19 would have given possible abusers more time to spend online. This is reflected in statistics collected by the NSPCC which suggest police recordings of online grooming reached a three year high in 2021, increasing approximately 70% (NSPCC, 2021c).

‘You’ve got the opportunity...the time on your hands...reduction in effective supervision of children...speaking as a parent myself...when you’re cooped up indoors...they’re on their devices...there’s more opportunity for them to be on the internet’ (Police DS 4)

The participant above references a key struggle for parents and guardians during Covid-19, many people were juggling working, home schooling and childcare in general. Unlike school where young people would be under regular supervision, during Covid-19 there was not the capacity for this. This statement illustrates the combination of factors, young people spending time online and opportunities for perpetrators.

Non-police practitioners were also in agreement that there would be an increase in reports. Their reasoning focused specifically on the fact that young people would have lost some support due to facilities such as youth clubs being closed during Covid-19 (Practitioner 13).

‘All of those...support systems have gone away...they’re all at the end of a phone now...it is less likely that things are going to be disclosed during this period...once everyone is back...there’s going to be a lot of disclosures then’ (Practitioner 12)

Practitioner 12 brings up an interesting point about support systems and safe spaces. As mentioned by Practitioner 13, youth clubs and similar facilities were closed, spaces beyond the school environment where young people could spend time with friends but also had physical access to adults who could support them if they needed to disclose anything. This environment and this space cannot be translated online.

With regards to Covid-19, it can be argued that there were dual challenges; on one hand, young people were likely to be spending more time online to remain in contact with their community of friends and consequently they could be vulnerable to abuse through these online platforms. Additionally, regular systems of support, whether this be in school or youth clubs, were less accessible for young people. The police themselves were encountering similar struggles to other

organisations, such as officers having to isolate, whilst being responsible for 'Covid-19 offences'. Overall, young people and their safety will have likely become another casualty of Covid-19.

#### **8.3.4 Discussion**

Understanding the resource constraints that police are under provides us with an institution specific context to what officers are dealing with whilst attempting to address youth image-based sexual abuse. These factors also shine a light on the trickle-down impact of discretionary funding and government cuts. Whilst it is important to view youth image-based sexual abuse from a young person's perspective and acknowledge the intricacies of their lives, unpacking the impacts of macro or more removed decision-making informs us as to why there are limitations in responses.

Alarming, the concerns of a lack of funding, limited technological capabilities and a reduction in officer numbers are not new themes. These criticisms specifically have been identified in previous research exploring the policing of child sexual abuse imagery. Jewkes and Andrews noted, with regards to funding, that 'reticence at government level to adequately resource the policing of cybercrime inevitably has a bearing on the decisions made by managers at a local policing level' (2005, p. 50). Additionally, comments were made suggesting that 'the internet is still unknown territory for many police officers' (Jewkes and Andrews, 2005, p. 56) which mirrors comments made by participants that the internet offers anonymity which is not fully understood. Continuing on the point of technological capabilities, Jewkes and Andrews determined that 'the police are falling behind in the cat and mouse game' (2005, p. 56) which echoes commentary from participants who readily acknowledge that offender's technological abilities outweigh theirs. The concerns of a policing staff shortage have continually been documented by Unison who previously stated 'the cuts to policing which have been put in place by the coalition government are an unregulated experiment in how far you can reduce public protection without anyone noticing. We have now reached breaking point' (2014, p. 10). Collectively, this evidence proves that whilst concerns echoed by police participants are not newly found, they continue to disrupt policing, having a far-reaching effect on multiple aspects of the job.

Violence against women and girls requires a different approach to policing, one which is understanding of the needs of rape victims for instance or can recognise the complications that domestic abuse victims experience when trying to escape their abuser. The impact of resourcing, or a lack of, will have a further knock-on effect on how these crimes are addressed. HMICFRS (2021) recently recognised the specialism and expertise that is essential to policing sexual violence in all forms, yet it can be argued that discretionary funding is likely to ignore the necessity of fully training officers who are responding to these cases. Referring back to the impact of having a government



who are insistent on cutting resources, 'perhaps another consequence of austerity has been a disregard for the importance of specialist knowledge and skills' (Mann, et al. 2018, p. 639). It is unfortunate therefore to have to acknowledge that many women, young girls and young people more widely are unlikely, if reporting abuse, could be consistently met with officers fully trained to address their needs.

Furthermore, it is important to recognise that all the above factors are occurring with the backdrop of Covid-19, meaning that any likely impacts will be magnified. There are additional circumstances which influence how cases progress, for instance the backlog in courts is likely to further prevent victims of rape and domestic violence from seeking any criminal justice (Murray, 2021).

Consequently, whilst we can argue that a significant challenge the police encounter is due to resourcing, we are unfortunately unlikely to see the full extent of damage for a while as we continue to experience the repercussions of Covid-19.

With resource constraints and a lack of interest in addressing youth image-based sexual abuse from government, it is worth contemplating whether a discussion should take place on defunding the police. Firstly, it is important to clarify what this means. Defunding the police is not about closing prisons and closing police stations, rather, it is an argument that situates 'social welfare as an effective means of preventing crime' (Fleetwood and Lea, 2021, p. 167). Whilst it is not the case that movements can be directly lifted from the US and applied to a UK context (Fleetwood and Lea, 2021), there is much to be learnt about the defund the police debate. Applying this to youth image-based sexual abuse and the challenges we have explored so far, the police are in a situation where they do not want to prosecute young people for these offences and yet they are responsible for pursuing the cases. This takes us back to the comment from Police PC 23, that the service is stretched. One of the reasons for this is that they are tasked with responding to a number of different incidents, including homelessness, Covid-19 related offences, mental health concerns and numerous other occurrences, which could be outsourced elsewhere such as community-specific teams (Duff and Kemp, 2020). It is then possible for youth image-based sexual abuse to be placed with a different organisation? Currently, child services, schools and youth clubs are already involved in the process, whether that is because they have been contacted by the police, or they themselves contacted the police, or young people disclosed to them. Here we are already seeing a structure in place where young people can be supported and/or their harmful behaviour addressed. Holistically, whilst further discussions should take place on how the severe harms caused by youth image-based sexual abuse can occur outside of policing, it may be that for young people to receive the full support and help that they need in these cases, the task of responding should be placed with another organisation.

## **8.4 Gender**

It is not new to state that one's gender and sexuality could impact on their experiences with the police and whilst this chapter is about challenges of policing, it is most appropriate to describe any 'challenges' associated with gender as ones that are a result of historical and most likely, institutional policing cultures. This section will explore the somewhat internalised distrust in the police and criminal justice more widely, followed by evidence of harmful perceptions and considerations of how policing can go forward, taking the opportunity to learn from non-policing practitioners.

### **8.4.1 Victim Blaming**

It is a prominent flaw in the criminal justice system, arguably most associated with sexual violence, that victims must have to prove their legitimacy through past behaviour and their conduct (Jordan, 2004). Unsurprisingly, indications of these views have bled into the treatment of victims of youth image-based sexual abuse.

'If the public were really interested in targeting this...they wouldn't allow their children to dress the way they do', 'the first line of defence is at home' (Police Staff 6)

This comment mirrors prominent victim-blaming narratives around clothing. It has been 10 years since a police officer in Toronto, Canada, told students that in order to prevent themselves from being victimised, they should 'avoid dressing like sluts' (Pilkington, 2011), a statement which kicked off a movement across Canada and the US. These words may have been spoken in a completely different country, yet they evidence, alongside the comment from Police Staff 6, that victim-blaming narratives are embedded in policing. These findings are consistent with wider research into victim blaming; male police officers have the tendency to blame a rape victim 'if the assault included factors relating to rape myths; such as intoxication or provocative clothing' (Parrat and Pina, 2017, p. 80). In addition to the above, Police Staff 6 also blamed the families of victims for the abuse, suggesting that young people's clothing should be scrutinised by those in the household. Overall, these comments not only further rape myths, but they also encourage family members to internalise victim-blaming narratives.

'I think people forget these images they send...are potentially there forever' (Police DS 19)

The above statement reflects findings from image-based sexual research more widely. McGlynn, et al. include victim's accounts in their report, they describe how victim's encountered negative comments from police officers, with some suggesting that it is their fault for sending the images out, that they should have been careful (2019). Again, these comments lay blame at the victim's feet,

whereas the perpetrator's actions are ignored. The description of images being around 'forever' is particularly harmful when we consider that 'constancy' impacts victim's lives significantly (McGlynn, et al. 2021).

'Do these people understand the consequences of what they're doing...while it's consensual...it's the fact that they are children at the time' (Police PC 23)

There are numerous layers to Police PC 23's comment. Initially framing sending images consensually – as described – as having consequences instantly labels the behaviour as negative and/or harmful. This leaves no space for young people's sexual autonomy or 'sexual rights' (Albury, 2017) and feeds into wider shaming narratives that are present within the school environment (Dobson and Ringrose, 2016; Ringrose, et al. 2013). This is further reinforced by the participant using the word 'children' and whilst young people under 18 are legally considered children, this phrasing again removes any sexual autonomy that young people have (Albury, 2017).

Further to the evidence above, a participant working in sexual health described a previous case where a 14-year-old girl was recorded engaging in sexual activity with four boys on a stairwell. She later reported the incident to the police, who responded '*well it looks like you were enjoying it*' (Practitioner 14). This example depicts the hypocrisy in victim-blaming narratives perpetrated by the police. Participants have described that young people's clothing is the reason for victimisation, then their own behaviours are criticised, yet, when a young person seeks help, they are gaslighted and their harm denied.

Typical to victim blaming, we can be certain that the latter comments have all been made with young women or young girls in mind. As with many forms of sexual violence, it appears that youth image-based sexual abuse must also be subject to gendered perceptions of authenticity. Researchers have previously identified gendered victim-blaming towards victims of image-based abuse, with a participant describing policing institutions as 'a boys' club' (Henry, et al. 2018, p. 574). Focusing specifically on the language that is used by the police, it appears that there is a combination of the dismissal of image-based sexual victims through the judgement of actions, in addition to the minimisation of offender's actions. Again, this has been defined in previous research, where it was described that these responses from the police can be linked to low levels of reporting (Henry, et al. 2018). This consideration leads us into the next theme, distrust.

#### **8.4.2 Gendered Distrust in the Police and Criminal Justice System**

A significant challenge is the perceived distrust that victims of sexual violence present with when encountering officers. To reiterate, this challenge can be directly linked to the police themselves, it can be argued that the distrust described has manifested over time as a result of victim's

experiences; previous research has described police attitudes towards sexual violence as originating 'within a social environment characterized by a history of distrust towards women, and is exacerbated within the masculine ethos of policing organizations' (Jordan, 2004, p. 53). It could therefore be suggested that one form of distrust has bred another. Gendered distrust in the police has been magnified recently due to the murder of Sarah Everard, subsequent treatment of people at a vigil held in her name, and the behaviour of officers dealing with the murder of Nicole Smallman and Bibaa Henry, all of which have been documented in the media; *Young women have lost trust in the Met police after Sarah Everard vigil, says mayoral candidate* (Lydall, 2021), *Institutional Misogyny 'erodes women's trust in UK police'* (Wolfe-Robinson and Dodd, 2021). These incidents have the potential to further diminish trust in the police by the public of which young people and children are a part.

Participants recounted instances where young people could be described as demonstrating this distrust, proving that victims of all ages have internalised that reporting sexual violence – no matter what form – will lead to a negative experience:

'You quite often get people who don't want to get involved in a court procedure...all they care about is that these images are deleted and gone...it can be difficult to progress these...where these images have been shared...but the victim is saying...I don't want to be part of any [trial]...what's best to do for the victim...what's best to do public interest wise' (Police DS 19)

The distrust here, or fear, is more closely directed at the court process, which is known to be a traumatic experience for rape victims (Wheatcroft, et al. 2009). Victims of youth image-based sexual abuse are rather more focused on individual solutions which will help them, than criminal justice which has the potential to re-victimise.

'If you've got a victim who's not keen for whatever reason...I perfectly understand that, sometimes it can be a positive thing...sometimes it can be a negative thing and that person loses trust with the police...have we burnt that trust?' (Police DS 19)

Police DS 19 somewhat acknowledges the lack of trust amongst young people as well as the fact that the case process is not always a positive experience for victims. Whilst this officer is at least recognising the reality for many victims of sexual violence and abuse, it is concerning that there is an awareness of the negative experience and yet no wide-ranging drive to address this to improve the situation.

'I think it's the fear around the law that's one of the big challenges...as long as they think that they're going to be arrested...they're not going to be honest about the behaviours that are happening' (Practitioner 11)

It appears that the distrust is also informed by legislation which result in a fear amongst young people that reporting image-based sexual abuse to the police will result in them being arrested. Beyond being incompatible with the reality of youth image-sharing and image-based sexual abuse, the *Protection of Children Act 1978* is also instilling fear in young people who are possible being harmed.

The distrust in the police is prolonged when those victims who do report are faced with having to hand over personal items as part of a case, this echoes conversations surrounding police accessing rape victims' mobile phones, which has been described as a 'digital strip search' (Centre for Women's Justice, 2020b):

'No child wants to give you their phone...I can't say I'll only be 5 minutes with your phone, I'll be days' (Police PC 20)

Whilst on occasion there may be evidence on victim's phones that the police need access to, for instance if the victim has been sent an image non-consensually, there is still a lot of trust required from young people to hand over their phone to the police. Concerns can also be raised about any young person who has experienced image-based sexual abuse having to hand over their device when it is the suspect who should be under investigation.

'We have to work quite hard to delete information between both parties...we quite often have to retrieve information from the suspects phone rather than the victims, who will sometimes delete things...they will say things...if the police see that they won't believe me' (Police DS 19)

The contents of a mobile phone are incredibly private, young people will feel uncomfortable with the idea of a stranger going through their personal data, particularly considering it is likely that the majority of information on the device is not related to the case in hand. The discomfort is arguably heightened when considering cases involving imagery, as described by a woman 'I felt sick at the thought of a stranger looking through the thousands of photos I'd taken' (Centre for Women's Justice, 2020b). When a victim has experienced an abuse of trust and invasion of privacy, it seems detrimental and harmful for that invasion to be continued by the police.

It appears that distrust in the police and criminal justice system is a learned response from young people. Concerns that they will not be believed by the police are coupled with a fear of the criminal justice process and even being arrested. Whilst we can state that for many victims of sexual violence it is in their own self-interest to not report to the police, unpacking this statement itself reveals a lot. There is almost a shared knowledge that police involvement with sexual violence cases will lead to secondary victimisation (Brown, et al. 2010) and therefore there is hesitation to engage. Even if

deciding to, many aspects of the process seem very invasive (which they arguably are). Bluntly, if the police are wanting to overcome this distrust towards them, there needs to be an overhaul of the processes and culture, otherwise we will continue seeing victims perceive the criminal justice system as a detrimental pursuit.

### **8.5 Improving Responses and Lessons Learnt From Practitioners**

Whilst we can recognise that one of the key challenges of policing youth image-based abuse is the police itself, we can also propose improvements and provide police with the opportunity to develop their practice, learning from non-police practitioners who work more closely with young people. This section will specifically focus on 'education'. It was noted by a number of police participants that ideally cases involving young people will be pursued with an intention to educate, however, it is important to analyse how education in this area can contribute to harmful narratives.

As mentioned, the police stated that their intention is largely to educate young people who they encounter, although their choice of language arguably echoes problematic victim blaming tropes which were addressed previously.

'I try to tell kids not to put anything online that they wouldn't put on a postcard' (Police DS 21)

This advice is again largely directed at those who have sent private images, rather than the intention being on addressing the harm caused by those who shared images non-consensually. It seems that there is a pattern to many police responses, it is typically the victim who is accountable and who needs to be mindful of their own behaviour, this is evidenced by a campaign run by Merseyside Police in 2018 which focused on the victim being too drunk (BBC, 2018) and can be seen in the comment above.

'Education is the biggest part of it...how these images...even if they're consensually shared...how quickly they can get out of hand' (Police DS 17)

A similar conclusion can be drawn from the quote above. The participant, rather than specifically addressing the suspect's behaviour, has described what can only be the sharing of images non-consensually as things getting out of hand.

'If someone's sent a picture message to somebody then they've posted that all over the internet...the victim is never at fault...we do choose that as an opportunity...the risks that are out there...saying that we never make it...it's never the victims fault...making them aware of what could happen' (Police DC 22)

Whilst the above participant has emphasised that the victim is never at fault, it is undeniable that focusing on the actions of the individual who sent the image(s) initially, lays the blame at the victim's

feet. There is an overwhelming focus on those who send images, rather than those who choose to share them non-consensually.

‘In relation to the education is the main one...reinforcing that it’s not only taking photos that it’s sharing the photos’ (Police PC 20)

Although Police PC 20 explicitly mentions the sharing of images, which is more than many other police officers did, it is equated to sending images, which equalises the actions of the suspect and the victim, rather than identifying the harmful behaviours.

In comparison, non-police practitioners practice education from a different perspective, rather pursuing it as ‘giving advice’ (Practitioner 12). Additionally, there is the intention to not depict behaviours as ‘taboo’ or ‘pretend that they’re not doing anything’, rather, there is a focus on harm reduction and arming young people with the knowledge about healthy behaviours (Practitioner 13). One practitioner even acknowledged that if young people had been through the court or criminal justice system, that it would have, so far, been a ‘blamey process’, pointing out that it is important to speak to young people about their feelings (Practitioner 14).

These intentions are in staunch opposition to the police. Whilst non-police practitioners are seeking to support young people and discuss with them what exactly healthy behaviours are, the police’s actions very much mirror what has been discussed so far, the police as ‘moral enforcers’ (Johnson and Dalton, 2012). The police are actively situating themselves as the moral arbiters, by labelling the sending of private images as having consequences, or that young people should not be partaking in this behaviour because they are children, it positions the police as having authority over what is and what is not normal behaviour. It is also possible that the police’s perspective on youth image-sharing and image-based sexual abuse is influenced by society. Johnson and Dalton suggest that the police are ‘aligned with socially normative ideas about sex and sexuality’ (2012, p. 32), therefore it is possible that their position as moral enforcers is an implication of a social moral panic about youth digital intimacy and sexual autonomy.

Furthermore, it can be argued that the police’s approach to education reflects a more outdated method, one which is inherently gendered by focusing on the initial sending of images. Whereas practitioners, who are in more regular contact with young people will seek to engage in these conversations in an egalitarian manner. For young people to feel safer in having these discussions and potentially engaging with the police, there needs to be more of an adoption of the practitioner’s methods, lecturing about the consequences of sharing images is unlikely to address the core causes of youth image-based abuse. As Setty describes:

‘Understanding and responding to youth sexting must be ‘youth-led’, in the sense of being grounded in young people’s lived experiences and situated in realities rather than adult-orientated fears and anxieties’ (2020, p. 163).

## **8.6 Discussion**

There are undeniably gendered elements at play when police respond to cases of youth image-based abuse, it is important to label these elements as challenges to be clear that not all barriers the police encounter are external, there is also a requirement to self-reflect. Holistically we can argue that the themes explored are an extension of rape culture whereby victims are questioned on their actions and held responsible for their own safety. These responses need to be addressed and critiqued so that young people can feel more confident about seeking help from the police without fear of being second guessed.

Thinking collectively about the intention to gather information from victim’s phones as well as educate them on the ‘consequences’ of their actions, we start seeing how distrust from the police’s perspective can manifest in actions that victims will find quite distressing which also don’t fully address the core cause of these offences. The likelihood that young people will have to hand over their mobile phones, as mentioned, parallels rape victim’s experiences of the ‘digital strip search’ (Centre for Women’s Justice, 2020b). It is hard to think of these two examples – both young people who experience image-based sexual abuse and rape victims having their phones taken away from them – without thinking of the foundational harmful gendered narratives, arguably built from the disbelief of victims and drive to investigate them. The chain reaction of this is clearly described by Taub:

‘To stop subjecting rape victims to the digital strip search means addressing police incentives to investigate victims first and foremost, which in turn requires addressing prosecutors’ risk aversion when it comes to disclosure to the defence, which in turn requires addressing the role of rape myths in the courtroom, which in turn requires addressing the widespread belief in rape myths within society itself’ (2021)

Building on this, rape myths clearly exist within the narrative of ‘educating’ young women and girls on the risks of sharing images, rather than there being a specific focus on the non-consensual taking and sharing of images and videos (Zauner, 2021). This has been discussed widely in previous research; arguments have been made that these perspectives position ‘girls as the main agents in prevention in a similar way to which women have been held responsible for protecting themselves from sexual assault’ (Salter, et al. 2013, p. 312). Additionally, Albury suggests that education such as that employed by the police encourages young girls to view their safety as conditional to ‘their



adherence to feminized codes of sexual modesty' (2017, p. 720) as well as evoking the fear that partaking in the sharing of sexual imagery will result in 'a sullied 'digital footprint' and inevitable public shame' (2017, p. 714). Whilst it should be acknowledged that there is a struggle between being able to recognise young people's sexual agency as well as actions that are deemed illegal due to outdated legislation, educational methods employed by the police should more readily reflect that which is adopted by practitioners, focusing on harm reduction rather than deterrence.

The theme of gendered distrust was identified through research interviews, however, I want to briefly expand on how distrust can too be experienced by marginalised communities which would intersect with the rape myths described previously. Recent research carried out by Stonewall found that '31 per cent of bi respondents had been insulted, pestered, intimidated, or harassed in the year prior to being surveyed. Of those 75 per cent of these had not reported it to the police, many because they feared it would not be taken seriously' (2020, p. 11). Further to this, LGBT+ individuals who experience sexual violence 'worry that if they tell the police or another service, the person they talk to will not understand and will ask questions that can feel intrusive, gratuitous or express disbelief, disgust or judgement' (Galop, 2021, p. 10). Similar to gendered distrust, it is likely that the reluctance to report to the police is the result of years of tensions between the LGBT+ community and police forces (Girardi, 2021). Discussions have also taken place about the LGBT+ experience of being both under and over policed; the community have described experiencing dissatisfaction when encountering the police, as well as facing harassment from them (Girardi, 2021; Dwyer, 2011). A similar argument can be made regarding minoritised communities. In the UK, on average black children were at least four times more likely to be arrested than white children (Barnardos, 2020), whereas when young black people disappear, there is a significantly reduced police response; the treatment of Richard Okoroghey's missing person's report (Mohdin, 2021) echoes the negligence demonstrated during the Stephen Lawrence investigation. With regards to sexual violence, women of colour, similarly to individuals from the LGBT+ community, are less likely to report to the police, believing that alongside being retraumatised, they are also less likely to have their cases pursued (Giorgis, 2015).

The compounded experiences of those from marginalised communities can be related to Kelly's conducive context (2016). The conducive context describes how certain contexts, or environments, are conducive to violence and abuse against women and girls, this can include homes, family, public spaces and the online environment (Kelly, 2016). Kelly suggests that different conducive contexts can overlap and connect (2016), this directly links to the experiences of marginalised communities. Individuals from racially marginalised or minoritised communities and those from the LGBTQIA community have been reported as experiencing image-based sexual abuse at a disproportionate rate

(Henry, et al. 2021; Powell, et al. 2020), further to this, both communities have a history of being over-policed, and/or experiencing police brutality (Girardi, 2021). These two contexts then collide to create a particularly harmful situation, whereby those from marginalised communities will experience image-based sexual abuse and additionally view the police as an unsafe institution. Whilst the same can be said for many women, it is the experiences of marginalised communities that form specific contexts conducive to both sexual violence and abuse and police violence and abuse. Conducive contexts are pertinent to understanding youth image-based sexual abuse and police responses. In order to fully assess the extent to which internal challenges impact on the police's ability to respond to image-based abuse, historical and structural factors must be taken into account as these create a conducive environment for many communities.

In this respect, the challenges that need to be overcome or at least addressed are the harmful narratives or practices that have been long internalised and associated with the police. The distrust of those who experience sexual violence and assault towards the justice system is significant to the extent that the pursuit for justice does not always include the police, arguably the antithesis of what they should represent. Further to this, the distrust is likely to extend beyond gender and will include marginalised groups. I would argue that these criticisms, unlike the discussion on social media and resources, will require a cultural change.

### **8.7 Summary**

This chapter intended to explore the extent to which internal and external challenges experienced in policing negatively impact on the ability to adequately address youth image-based sexual abuse. Evidence points to considerable outside pressures; unresponsive social media companies act as barriers to officers attempting to access information which would help progress child exploitation as a whole, and whilst the police struggle with ephemeral features on social media platforms, the government has consistently cut resources and funding which has led to police officers feeling over stretched, like butter scraped over too much bread. Amongst all of this, we need to remain critical of the institutional culture which has enabled narratives detrimental to sexual violence and abuse victims, ones which are so far reaching that young people have too internalised distrust towards the police. The key point to make is that we can be both understanding that external pressures have challenged police whilst remaining aware that the institution itself needs to reflect on its shortcomings.

## Chapter 9: Conclusion

### 9.1 Introduction

There has been much interest over the years in young people's digital sexual intimacy, particularly that of image sharing. As expected, there have been moral panics about young people's sexual autonomy, brandishing it as sexualisation and promoting the harmful impact on young people (Papadopoulos, 2010). Many feminist researchers have adopted a more nuanced and detailed perspective to youth image sharing, for instance acknowledging the gender dynamics and double standards, yet recognising that young people have sexual autonomy (Setty, 2020; Albury, 2017; Handyside and Ringrose, 2017; Dobson and Ringrose, 2016; Ringrose, et al. 2013). Much of this conversation has been framed around youth 'sexting' and whilst researchers have intentionally distinguished between consensual and harmful 'sexting' (Setty 2020; Setty, 2019; Ringrose, et al. 2013), there has been a need to delve further into the forms of harmful image sharing (see Ringrose, et al. 2022) at the same time as maintaining that young people have the right to explore their sexuality. I believe that the investigation into harmful youth image-sharing can be informed by image-based sexual abuse research (Henry, et al. 2021; McGlynn, et al. 2021; Rackley, et al. 2021; McGlynn and Rackley, 2017; McGlynn, et al. 2017), which has been ground-breaking in recognising the complexities and extensive harms of abusive practices.

Policing and victim-survivors experience of the police has too been the subject of much discussion (Hohl and Stanko, 2015; Temkin and Krahé, 2008; Jordan, 2004; Jordan, 2001; Temkin, 1997). It has been regularly identified that victim-survivors can be subject to harmful behaviour from the police, including being questioned (Temkin, 1997), suspicions as to whether their behaviour was 'respectable' (Hohl and Stanko, 2015), with some describing the experience as 'a second victimisation' (Jordan, 2001, p. 679). This concerning behaviour is unfortunately all too relevant with the consistent failings of the Met Police to protect women from men's violence as well as failing to prevent one of their own officers from murdering Sarah Everard. With this in mind, as well as the central role that police play as 'critical gatekeepers of the criminal justice system' and the 'first point of contact' (Hohl and Stanko, 2015, p. 327) for victim-survivors, is why it is important to analyse policing and the role it plays in cases of youth image-based sexual abuse.

The latter two themes are the pillars of this research. With these foundations, I have intended to develop, in more detail, our understanding of youth image-based sexual abuse as well as how it is responded to by the police. Whilst researchers are identifying key aspects of harmful image-sharing (Ringrose, et al. 2022; Setty, 2020), there is a need to move beyond 'sexting' and situate youth image-based sexual abuse alongside image-based sexual abuse on the continuum of sexual violence.

Through this we can identify how different non-consensual image sharing practices are related and yet maintain that young people's experiences may be singular.

This final chapter will summarise the key findings of the research, before moving on to evaluative points. There will then be a discussion on the implications and recommendations which leads on to suggestions for areas of future research. The chapter will end with a summary of the project. The questioned answered by this thesis are below:

1. What are the main challenges and opportunities of policing youth image sharing and image-based sexual abuse?
2. How does discretion work in the policing of youth image sharing and image-based sexual abuse?
3. What roles does context play in the policing of youth image sharing and image-based sexual abuse?

## **9.2 Summary of Findings**

### **9.2.1 Recognising Youth Image-Based Sexual Abuse as a Continuum of Experiences**

For numerous reasons it is integral for youth image-based sexual abuse to be situated on the continuum of sexual violence and continuum of image-based sexual abuse. Primarily abusive practices need to be identified and defined appropriately. The harmful experiences of young people described and analysed in this research cannot and should not be labelled as 'sexting', here the phrase youth image-based sexual abuse more accurately recognised the harm experiences and more readily demonstrates that the actions are abusive, rather than 'sexting' whereby consent could be presumed – with similar arguments being made about the term 'revenge porn' (McGlynn et al. 2017; McGlynn and Rackley, 2017).

Echoing the findings of (McGlynn, et al. 2017) youth image-based sexual abuse is a continuum of experiences for young people. This research has found that non-consensually shared/taken imagery or videos do not necessarily occur as singular actions. For instance, table 15 describes how youth image-based sexual abuse has taken place within, or in close proximity to, an intimate relationship where it is possible that the image-sharing is a facet of a wider pattern of abuse. Beyond intimate relationships, this research has also found evidence of youth image-based sexual abuse within friendships, between acquaintances and amongst school communities. Indeed, with a continuum of experiences comes a continuum of consent (Whittington, 2021). Within these actions young people are constantly negotiating sexual consent, it is simplistic to suggest that consent is always a case of yes or no, rather viewing these experiences on a continuum speaks to the navigation and re-

negotiation of consent that takes place. This idea draws parallels with Kelly's description of heterosexual sex and rape, that experiences exist on a continuum 'moving from choice to pressure to coercion to force' (Kelly, 1987, p. 54). This framing of youth image-based sexual abuse helps us recognise the shades in-between.

Additionally, a continuum understanding acknowledges the varied context of youth image-based sexual abuse. Context is a central theme within this research, chapter 6 established that there is no standardised or generalisable form of this abuse, which has also been noted in previous research investigating the nature of image-based sexual abuse amongst adults (McGlynn, et al. 2017). Young people too experience a continuum of forms of image-based abuse, these can range from cyberflashing, non-consensual sharing of images and videos, voyeurism, non-consensual filming of private sexual acts, images being sent under duress and so-called 'fake porn', amongst others. These findings evidence that there is an urgency to fully recognise the experiences of young people beyond somewhat infantilised perceptions.

One of the central aspects of the continuum of sexual violence is the recognition that forms of abuse are interconnected by a common character (Kelly, 1987), regarding image-based sexual abuse, this has previously been noted by (McGlynn, et al. 2017). It is worth establishing that youth image-based sexual abuse is too interconnected with other forms of sexual abuse sharing characteristics, most apparently image-based sexual abuse and child sexual abuse. Further to this, the continuum and 'continuum thinking' (Boyle, 2019) 'allows us to understand connections whilst nevertheless maintaining distinctions' (Boyle, 2019, p. 19). Boyle later describes that continuum thinking 'has posed a series of challenges to established binaries such as violence/not violence, victim/survivor, real/virtual, child/adult and choice/constraint' (2019, p. 32). Employing 'continuum thinking' allows us to understand and critique firstly the connections between child sexual abuse, image-based sexual abuse, and youth image-based sexual abuse, whilst recognising that each form of abuse has its own individual features. Additionally, much of what has been discussed about youth image-based sexual abuse speaks to the complexities of a binary perception of these offences. The continuum of consent has been mentioned, however, critiques were also made of the rigid victim and suspect classifications by police officers (table 13). In this case, 'continuum thinking' would allow officers to move away from the limitations of black and white legislative definitions and more accurately assess harm. Holistically, a continuum understanding provides a three-dimensional and detailed comprehension of the experiences of young people, this is integral to ensure that responses, policies and welfare are effectively and appropriately addressing the abuse.

### **9.2.2 Youth Image-Based Sexual Abuse as a Gendered Offence**

The statistical data collected through police FOI responses confirms that youth image-based sexual abuse is a gendered offence. This finding further reinforces emphasises situating the abuse within the continuum alongside other forms of sexual violence. I would propose that youth image-based sexual abuse is both gendered in its demographics – with the majority of victims being female and suspects male – and its nature.

With each of the offences analysed through FOI responses – indecent images, disclosing private sexual images and upskirting – victims were predominantly female. Specifically, in indecent image cases they accounted for 76.7% of the total victims, disclosing private sexual images 85.3% and upskirting 91.8%. In line with our understanding of gendered offences (Westmarland, 2015) the majority of suspects in these cases were male. With indecent images they accounted for 64.6% of suspects, disclosing private sexual images 77.7% and upskirting 82.3%. Whilst the proportions for male suspects are not as considerable in comparison to female victims, a clear pattern is still present, one that is reinforced by previous research into image-based sexual abuse (see McGlynn, et al. 2019). There were a number of females being recorded as suspects of which a proportion can be argued to be misrepresentative of harm experienced – for instance females being recorded as suspects when images were sent under duress, see table 13 – alongside cases where misogyny and harmful gendered stereotypes have been internalised by young women themselves.

The latter assessment leads into my suggestion that youth image-based sexual abuse is also gendered in its nature, by this I am referring to the motivations for perpetrating abuse. There are of course cases that fall outside of these parameters (see Naezer and Oosterhout, 2021), however it must be recognised that sexism, power and misogyny are present in the circumstances in which this abuse takes place. Such instances include where images are being shared by an ex-partner, to shame or humiliate the victim or to control the victim. These are a select number of examples, but clearly mirror that which we have seen when looking at violence and abuse against women and girls more widely (Westmarland, 2015). Certainly, the recognition of youth image-based sexual abuse as gendered can influence how responses are tailored. For instance, much of the harmful behaviour being demonstrated here should be specifically addressed in educational settings to ensure that it is proactively labelled as wrong before instances reach the police.

### 9.2.3 The Influence of Situational and Individual Context

It has been mentioned that there is a varied context to youth image-based sexual abuse, however, more specifically, this research has identified that there are situational and individual contexts which impact on young people's experiences of abuse.

The situational context refers to facts that are specific to young people's situations, such as wider perceptions of youth digital intimacy and/or their autonomy, the relationships in their lives – intimate or not – and their physical environment, particularly schooling. Many of these factors not only impact on how youth image-based sexual abuse is responded to, but also how it occurs. The police appeared to hold differing opinions regarding image-sharing, there was an awareness of young people exploring their sexuality, however, at the same time harmful behaviours were minimised and defined as young people being 'idiots' (Police DS 21). There is somewhat of a disconnect between these two standpoints, that young people have autonomy, but their behaviour is reckless. This response is directly influenced by the police's perception of young people and youth culture, rather than being measured and informed by the harm experienced. Additionally, young people's relationships can have an impact. As, mentioned, the presence of a relationship informs whether the image-based abuse is part of a wider pattern of abuse, furthermore, the abuse occurring within a friendship can speak to the motivation. Taking into account the dynamic of intimate and personal relationships allows for a deeper understanding of how this abuse can manifest and whether there are wider influences that need addressing. Regarding the environment, schools act as a setting and can be directly involved in the perpetration of abuse. I propose that they contribute to the 'cultural scaffolding of rape' (Gavey, 2018, p. 227) whereby pervasive misogyny and sexist attitudes are fostered and reinforced amongst peer groups. Following this, the school peer group more widely acts as an audience for non-consensual images and/or videos to be shared. These findings are further reinforced by the campaign Everyone's Invited, the Ofsted report on sexual abuse (Ofsted, 2021) and a recent publication by Ringrose, et al. (2021) on image-based sexual harassment amongst young people. With the situational context there are layers which can influence the occurrence and experience of youth image-based sexual abuse, it is integral that they are fully recognised so that we can comprehend the wider influences of abuse.

The individual context relates to identity. With regards to gender – mirroring previous comments about a sexist culture within schools – everyday sexism proved to be a foundation from which youth image-based sexual abuse takes place. This reinforces the importance of a continuum understanding, many 'everyday' sexist behaviours act to normalise gendered abuse, these directly impact young women and girls who experience both the 'everyday' intrusions and the gendered

double standards of their behaviour being critiqued or blamed for the abuse. With youth image-based sexual abuse specifically, this is demonstrated through young women feeling pressured to share images with partners and then being shamed if the images are non-consensually shared.

It appears that, amongst police, there is a dominant heteronormative understanding of youth image-based sexual abuse. A number of participants recounted cases which fit within the confines of the jilted male ex-partner sharing images out of revenge, one even suggested that cases were 'all the same' (Police DS 21). These conclusions deny many experiences of youth image-based sexual abuse which do not fit within the heteronormative narrative. FOI findings themselves revealed that a number of same gender cases were recorded, further to this, comments were made by non-police practitioners and a police officer regarding the possible increased risk that young people within the LGBTQIA community face, which has been illustrated by research into image-based sexual abuse (Powell, et al. 2020). Applying Donovan and Hester's (2010) public story of domestic abuse, I argue that a public story of image-based sexual abuse has been crafted – possibly fuelled by the colloquial use of 'revenge porn' – which neglects the experiences of those from the LGBTQIA community. Whilst some officers, may state that they are not encountering young LGBTQIA people who have experienced image-based abuse, it is also plausible that the police are not actively investigating and/or these young people do not feel safe reporting to the police. Overall, there is a need for a more comprehensive understanding of youth image-based sexual abuse, one that does not further marginalise communities.

Section 6.6 in chapter 6 attempted to foundationally address the invisibility of race, class and disability and the impact they possibly have on image-based sexual abuse. Reflecting on the fetishisation of black women and other women of colour, it can be argued that these harmful narratives can feed into imagery and media in a way that would impact on the experience of youth image-based sexual abuse. This can be somewhat evidenced by recent research into sexual scripts where connections were made between language referring to black performers, aggression and violence (Vera-Gray, et al. 2021). Beyond the content of imagery, police responses to marginalised communities are also highly relevant. When enquiring about race, police officers tended to gravitate towards the risk of honour-based violence amongst victims of image-based sexual abuse, however this was to some extent othering with references to strict Muslim communities. There was an absence or lack of awareness regarding the police treatment of young black girls – of which we have seen recently with the strip search of a 15-year-old girl by the Met police (Davies, 2022). These factors can influence whether the image-based sexual abuse is racialised and the extent that a young person from a marginalised community feels safe including the police in their help-seeking.



Following on from police treatment, it is possible that working class communities, who experience an increased level of police involvement in their lives, will have less control over how youth image-based sexual abuse is responded to. A key factor here is privacy, many young people who experience youth image-based sexual abuse may wish to respond to the incident within their peer group or community and stay away from formal procedures such as the police. However, those who have police involvement in schools and within their communities may not have the ability to employ their own privacy. Additionally, the differential treatment of people from different classes by the police must be factored in.

Research has previously noted how disability impacts on victims of image-based sexual abuse. Rackley, et al. (2021) noted how harms were compounded for those living with disabilities, with some individuals requiring medical attention for worsening conditions. Additional factors were identified in this research, including the limitations of image-based sexual abuse law, particularly regarding restrictions on the perpetrator's intentions, something which has been regularly criticised (McGlynn, et al. 2019). It is also possible that disability can impact on individual's perception of boundaries, whether that is victim's not fully recognising that they are experiencing abuse, as well as those who may be perpetrating image-based sexual abuse not comprehending they are harming another. Amongst the disabled community, there will be differing experiences, for instance, how do those described as being neurodivergent experience youth image-based sexual abuse in comparison to those with physical disabilities? Consideration must also be made for the reporting of these experiences, there could be particular power dynamics between the young person and the school – in which the abuse may be facilitated – as to who decides whether the abuse will be reported to the police. In parallel to race and class, disabled young people will also experience barriers when reporting to the police, alongside possible discrimination from officers themselves (Jobe and Williams, 2020).

Understanding the impact of context of youth image-based sexual abuse is a considerable task. Here I have identified that two contextual strands – situational and individual – that influence both the occurrence and experience of youth image-based sexual abuse. Situational factors that young people navigate will influence the form that the abuse takes, its extent and the degree to which it is facilitated and/or enabled. With regards to the individual context, young people's identity impresses on their own personal experience of abuse, whether this be through their gender, sexualities, race class or disability. I want to clearly recognise how the marginalised communities being discussed here are not homogenous in their experiences; gender, sexualities, race, class, and disability are not isolated from one another. Indeed, when exploring themes of identity, it is necessary to clarify that experiences can and do exist in-between. These specific findings speak to the importance of looking

into the grey of youth image-based sexual abuse rather than suggesting that abuse occurs within specific confines.

#### **9.2.4 Police Discretion**

Police discretion plays a considerable role in how youth image-based sexual abuse is handled. There appeared to be extensive recognition amongst police participants that relevant legislation is outdated, and young people should not be prosecuted – a position which is bolstered by the CPS – which acts as encouragement for police officers to utilise their discretion in deciding how cases should be proceeded. Police discretion at times was implemented thematically with the police adopting self-made guidelines such as what is ‘age appropriate’, whether continuing with a case was in ‘public interest’ and whether responses were ‘proportionate’. Whilst some of these themes reflect key aspects of policing, particularly public interest and proportionality, there is the tendency for police officers to lean on individual and personal perceptions when deciding for example what is ‘age appropriate’. This raises concerns which align with critiques of policing sexual violence more widely, particularly the extent to which sexist and harmful perceptions of sexual violence are internalised by the police and consequently inform their discretion.

Many of the findings from this research reinforce the power of police discretion, this is particularly apparent when we recognise that the police, through their discretion, have the ability to decide what is an offence and what is not. Beyond the margins that police have created through employing thematic discretion, these means also allow them to cement which actions are harmful. This can have a tremendous impact on victims, rather than their experiences being the measurement for what is considered an offence, it is the police. Taking into account points made previously, the police’s standpoint is possibly influenced by with rape myths and victim blaming – much of which is evidenced in Chapter 8 – consequently, we are in the situation whereby those who are making the final decision as to what is harmful behaviour are not positioned to be informed on the complexities and impact of youth image-based sexual abuse. This is reflective of both McGlynn and Johnson’s concerns as to how cyberflashing is identified (2012) as well as Myhill and Johnson’s assessment that police discretion is exercised relative to their understanding of the offence (2016).

From interviews it was interesting to note the differing decision-making tactics employed by non-police practitioners and young people themselves. It is worth recognising that the decision-making here has a different function to that of the police with practitioners having less power, particularly with the varying positions of authority. Non-police practitioners approached youth image-based sexual abuse cases taking a more pastoral position, with participants stressing the importance of being there to support the young person and the possible help-seeking routes they want to take. It

was clear to see that there was a tension for non-police practitioners regarding how they approach addressing the harms of image-based sexual abuse. A dichotomy exists between wanting to provide the realistic advice that they believe in, which recognises the sexual autonomy young people have, and outdated legislation which criminalises the sharing of images. So, whilst these practitioners are in a particularly useful position to support and advise young people, they are also limited in what they can say. As for young people, practitioners suggested that self-management may be an important aspect of their decision-making. It has been established that youth image-based sexual abuse can occur within peer groups and communities, young people may then choose to address or respond to the abuse within the same community, choosing more informal and arguably personal resolutions.

Comparing between the police, non-police practitioners and young people, it is clear that decision-making is directly influenced by positionality. Police discretion holds a significant amount of power both procedurally – when deciding what cases are pursued – as well as in defining what actions are abusive. Whereas non-police practitioners and young people, whose decision-making affects the police, hold a position which prioritises welfare. The latter identifies how responses to youth image-based sexual abuse can be both disjointed in practice, and in their intentions.

### **9.2.5 Challenges of Policing Youth Image-Based Sexual Abuse**

It was established in Chapter 8 that the police face both external and internal challenges when it comes to policing youth image-based sexual abuse. Many of the external challenges most likely reflect the experiences of policing as a whole, particularly resources, the impact of austerity and Covid-19. However, internal challenges relate to an embedded institutional culture within the police, particularly that of a sexist nature. Holistically, these challenges require different resolutions, yet both need to be drastic in their scale and urgency. Recognising these challenges is an opportunity for both the police to better their practice internally, as well as for external institutions to address the impact that their decisions are having on the police and their ability to respond to abuse.

Findings from FOI responses and comments made by participants point to social media playing a large role in the facilitation of youth image-based sexual abuse. Snapchat in particular was mentioned more than any other platform. This instantly creates problems for the police as many platforms either have harmful features which elude the police, for instance the disappearing images and messages on Snapchat, or there are issues with compliance, something which has been noted by other researchers (Powell and Henry, 2018). Consequently, the police are limited in the extent to which they are able to pursue cases – if that is the route they wish to take. Contemplating how this will continue to impact the police in the future, social media does not show any signs of slowing

down, therefore there either needs to be some more stringent accountability in place for these platforms, or the police will continue to fall behind and perpetrators actions will go unaccounted for.

Themes raised by police officers, such as the lack of money available for departments, or issues with recruitment and lack of personnel as well as limited technological capabilities, are not new concerns, Jewkes and Andrews discussed similar in 2005. The continuous nature of these challenges arguably speaks to the prolonged limitations put on the police through funding cuts and a general lack of investment. It could also be argued that these matters relate to wider problems which we are seeing across different sectors of the criminal justice system, for instance the significant delay for rape cases to be heard in court, with some taking two years (Ames and Dathan, 2022). Indeed, I believe it speaks to a widespread disinterest from the government in many forms of gendered violence and abuse, that addressing these constraints falls quite low on the agenda.

In addition to the above challenges which can be linked to outside influences, internal challenges are reinforced and perpetuated by the police themselves, which results in an almost self-destructive cycle. Many of the concerns discussed with regards to policing youth image-based sexual abuse cases reflect a general distrust of the police amongst women and marginalised communities.

Findings in this research evidence that there are young women who question whether going to the police will help them, there were also suspicions of the criminal justice process, which can be described as an almost learned response to what we know of the treatment of rape in the criminal justice system. Furthermore, non-police practitioners spoke of the fear that young people have of being prosecuted themselves if they report their abuse to the police. Many of the barriers here can be directly linked to faults within the policing institution. It is likely for these conditions to improve that there be considerable changes implemented to policing and the police more widely, which address the institutional sexist behaviours and opinions evident.

With these challenges requiring drastic and extensive solutions, it is worth contemplating whether youth image-based sexual abuse would be better responded to outside of the criminal justice system and the police. We can see that many non-police practitioners are arguably already better suited to understand the experiences of young people, particularly since they recognise themselves that youth image-based sexual abuse and youth sexual autonomy are complex conversations, ones which require a more nuanced discussion than suggesting young people do not send images. Therefore, whilst we need to be mindful that there are particularly severe harms to youth image-based sexual abuse, it may be more appropriate and lead to better resolutions if youth image-based sexual abuse was taken off the police's agenda and rather situated and solely dealt with by youth facing agencies, such as youth workers. Through this method, rather than adopting a criminal justice response, youth

image-based sexual abuse could be dealt with via a harm reduction focus. There is much to be said about the value of education and early intervention, it is possible that many harmful behaviours demonstrated through committing image-based sexual abuse could be addressed with in-depth discussions facilitated for and by young people about respect, consent and boundaries. However, referring back to the severity of youth image-based sexual abuse, this method isn't necessarily proportionate to victim's experiences who – if the abuse has taken place within peer groups – will have to continue sharing the same environment with those that harmed them. Additionally, it cannot be argued that holistically all forms of youth image-based sexual abuse should be dealt with this way when some practices can be considered malicious and carried out with intent, in these cases, a criminal justice approach may be more appropriate. There are many arguments for and against a criminal justice response to youth image-based sexual abuse, rather than theorising what is most appropriate, more research is needed in this area to understand the implications and lived experiences of victims.

### **9.3 Research Evaluation**

Whilst acknowledging that this research has contributed to knowledge around youth image-based sexual abuse and policing, it is important to make evaluative points, particularly with regards to the data collection.

Firstly with regards to participant selection. A key specific limitation with this research is that the voices of young people are not included. Truly this is the result of difficulties in recruiting young people and ethical complications, both of which were then exacerbated with the Covid-19 pandemic. Although much of this research concerns themes which were very well addressed by police and non-police participants, to fully appreciate the experiences of young people, their voices need to be centred in research.

Further to the above, the age and ethnicity of participants was not collected, this was primarily for anonymity concerns. Regarding the non-police practitioners, some worked in very niche areas and if their age and ethnicity were included it would risk them being identifiable. Additionally, police forces included in this research project are situated in predominantly white areas, therefore breaking down characteristics may reveal who they are to other colleagues who may have also participated in this research. Whilst there were specific reasons for certain demographic information not being collected, it does mean that I cannot make any concrete comments about the representation of participants and the inclusion of minority groups and their voices in this project.

Lastly, the quantitative findings included in this research are solely based on police records, whilst it's very useful to ascertain exactly how the police encounter youth image-based sexual abuse and the process in which they respond, the figures are likely to be a fraction of reality. Consequently, whilst they provide a worthy snapshot, wider and more in depth quantitative research needs to be carried out with young people to more effectively understand how they experience image-based sexual abuse.

#### **9.4 Implications and Recommendations**

There is unfortunately much that needs to be addressed within schools. Many reinforce and enable a misogynistic environment, additionally there is clearly a significant connection between youth image-based sexual abuse and school peer groups, with certain instances of youth image-based sexual abuse likely being peer-on-peer abuse. It was too noted from FOI responses that schools were specifically mentioned in police notes. This is possibly the result of images being non-consensually shared by an ex-partner who is in the same school as the victim, or videos being non-consensually recorded at parties between school peer groups, see table 14. Indeed, the school community and environment acts as a 'microcosm of society' (Ringrose, et al. 2021) therefore abuse that we would see in other contexts, is present here. This behaviour needs to be more readily addressed beyond abstinence orientated and consequently victim blaming narratives. It could also be argued that these educational sessions should come much earlier in school as we are seeing that image-sharing can occur at a very young age and therefore waiting for these conversations to crop up during sex education lessons may be too late to address harmful behaviour. Furthermore, prevention strategies employed by schools themselves need to recognise the reality of youth image-based sexual abuse, it is not enough to tell young people to not share images, as this lays the blame at the feet of victims if images are non-consensually shared, but there needs to be an understanding that this abuse can be a facet of wider abuse, such as domestic abuse, as well as how complex consent can be. It is also necessary for schools to address the gendered nature of this abuse. It is not enough to discuss image sharing as a genderless concept as we know from much evidence about image-based sexual abuse – which is reinforced by the findings in this research – that the majority of suspects are male. As a result, schools should be looking at the foundations of this behaviour and thinking more extensively about how they can address sexist attitudes that feed into gendered abuse and youth image-based sexual abuse.

The police and criminal justice system have a considerable number of issues to work on with regards to youth image-based sexual abuse. Whilst individual forces may believe that they have adept processes in place – for some this may be taking into consideration that immediately prosecuting

young people is not the solution – this is in no way consistent nationally and is unsustainable. I would argue that there needs to be a change in the *Protection of Children Act 1978* to ensure that young people are not caught up by legislation which was implemented to protect them, rather legislation which has been designed for image-based sexual abuse – such as section 33 of the *Criminal Justice and Courts Act 2015* – would be more appropriate in these cases – not that these are without their faults. Additionally, the police may argue that Outcome 21 covers cases of young people sharing images, yet this has been created with ‘sexting’ in mind and as a result, muddles many different actions, consensual and non-consensual. A comprehensive understanding of youth image-based sexual abuse is the primary focus, if the police and criminal justice system more widely acknowledge the different facets in young people’s experiences, a more consistent national response could be coordinated. Although these responses should be in partnership with specialist organisations, such as Brook, and school or colleges. Holistically an overtly punitive response to youth image-based sexual abuse is inappropriate, particularly when some young people are partaking in this behaviour at very young ages, such as 12 and 13. Rather there should be more emphasis on addressing negative behaviour earlier on and preventing it from escalating.

### **9.5 Areas of Future Research**

Chapter 6 explores how individual’s identity can impact on their experience of youth image-based sexual abuse, however, from what we know about intersectionality and sexual violence (Crenshaw, 1991), more emphasis needs to be put into understanding the role of race, class and disability. For instance, the relationship between how black female bodies are fetishized in the media and with research identifying how this is present within pornography (Vera-Gray, et al. 2021) would make for a strong foundation into examining young black women’s experience of image-based sexual abuse. To what extent are we seeing harmful narratives in pornography internalised by young people and then influence image-based sexual abuse. This is just one example, there is much to be done to also recognise class and disability. Consequently, whilst understanding the experiences of marginalised communities is paramount, this recognition needs to go in hand with the knowledge that identities are not lived in isolation.

There is also much to be explored on how structural factors can impact on the manner in which youth image-based sexual abuse is experienced. In line with the previous reference to class, I mention in Chapter 6, the privilege of privacy. I believe that those who hold more privilege will be able to direct responses to youth image-based sexual abuse, for instance, an elite private school may feel more confident in dealing with this abuse behind closed doors, yet those schools which primarily have a higher police presence do not have this option. Further to this, it is worth

contemplating the extent to which hypermasculinity – which is encouraged and rewarded in some elite schools – facilitates and enables youth image-based sexual abuse. We know that harmful sexist narratives are present within the school environment generally, but it is possible that these will be magnified in certain spaces.

Reflecting on the latter two examples, it is the exploration of the context of youth image-based sexual abuse in particular which can be the foundation for future research. As with many forms of sexual violence and abuse, it is integral to understand how different communities have different experiences, to better improve and tailor responses as well as support services.

### **9.6 Summary**

Whilst many have focused their discussions previously on ‘sexting’ (Setty, 2020; Setty, 2019; Crofts, et al. 2015; Ringrose, et al. 2013) this research predominantly concentrates on harmful behaviour, which I have defined as youth image-based sexual abuse. This research has identified that youth image-based sexual abuse is a gendered offence, with the majority of victims being female and majority of suspects male, mirroring wider knowledge of sexual violence abuse. I have also addressed the complex context, both situationally and individually, in which this abuse takes place and how, in many cases, this can be specific to young people’s environment and culture. Additionally, due to the complicated nature of youth image-based sexual abuse as well as outdated legislation and a fragmented national response, police discretion plays a considerable role in how these cases are dealt with by the police, on many occasions the police are creating discretionary guidelines formulated from their own subjectivities. Lastly, there are many challenges in policing this abuse, some of which require external changes, such as funding, however, what is particularly noteworthy are the victim blaming and sexist narratives present. Unfortunately, the experiences of young people reflect decade long criticisms of the police, ones which are ever present withing our minds. Overall, this thesis contributes significantly to an ever-expanding conversation on image-sharing amongst young people as well as the role of the police in responding to gendered violence and abuse.

This research has raised many concerns and challenges with regards to understanding and responding to youth image-based sexual abuse. I am hopeful that the findings be taken forward and utilised to better address this form of violence and abuse, as well as improve the current situation for police, practitioners and in particular, young people.



## Appendices

### Appendix 1. Freedom of Information Request

#### Indecent Images of Children

To take/make/distribute indecent photographs or pseudo-photographs of children (Protection of Children Act 1978 section 1 and 6), possession of an indecent photograph or pseudo-photograph of a child (Criminal Justice Act 1988 section 160)

- How many indecent image crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

- Of the above, how many involved victims aged between 10 and 18 years old?

Number	
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- Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Indecent Image Crimes Involving Victims Aged Between 10 and 18 Years Old								
Case identifier	Crime recorded	Victim gender	Suspect gender	Victim age	Suspect age	Victim ethnicity	Suspect ethnicity	Outcome type

#### So-called 'Revenge Porn' – Disclosing private sexual photographs and films

'Disclosing private sexual photographs and films with the intent to cause distress' (Criminal Justice and Courts Act 2015 section 33)

- How many so-called 'Revenge Porn' crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

- Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

- Please can you fill out some more information about the context of the relevant recorded crimes in the table below

So-called 'Revenge Porn' Crimes Involving Victims Aged Between 10 and 18 Years Old						
Victim gender	Suspect gender	Victim age	Suspect age	Victim ethnicity	Suspect ethnicity	Outcome type

### Upskirting

The practice of taking a photograph or other recorded image up a person's skirt or clothes without their consent, under 'additional voyeurism offences (Upskirting)' (Sexual Offences Act 2003 section 67A)

1. How many Upskirting crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

2. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

3. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Upskirting Crimes Involving Victims Aged Between 10 and 18 Years Old						
Victim gender	Suspect gender	Victim age	Suspect age	Victim ethnicity	Suspect ethnicity	Outcome type

## Freedom of Information Request

### Indecent Images of Children

To take/make/distribute indecent photographs or pseudo-photographs of children (Protection of Children Act 1978 section 1 and 6), possession of an indecent photograph or pseudo-photograph of a child (Criminal Justice Act 1988 section 160)

7. How many indecent image crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
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8. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

9. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Indecent Image Crimes Involving Victims Aged Between 10 and 18 Years Old						
Case identifier	Crime recorded	Victim gender	Suspect gender	Victim age	Suspect age	Outcome type

So-called 'Revenge Porn' – Disclosing private sexual photographs and films

'Disclosing private sexual photographs and films with the intent to cause distress' (Criminal Justice and Courts Act 2015 section 33)

10. How many so-called 'Revenge Porn' crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
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11. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

12. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

So-called 'Revenge Porn' Crimes Involving Victims Aged Between 10 and 18 Years Old				
Victim gender	Suspect gender	Victim age	Suspect age	Outcome type

### Upskirting

The practice of taking a photograph or other recorded image up a person's skirt or clothes without their consent, under 'additional voyeurism offences (Upskirting)' (Sexual Offences Act 2003 section 67A)

4. How many Upskirting crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

5. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

6. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Upskirting Crimes Involving Victims Aged Between 10 and 18 Years Old				
Victim gender	Suspect gender	Victim age	Suspect age	Outcome type

**Freedom of Information Request**

Indecent Images of Children

To take/make/distribute indecent photographs or pseudo-photographs of children (Protection of Children Act 1978 section 1 and 6), possession of an indecent photograph or pseudo-photograph of a child (Criminal Justice Act 1988 section 160)

13. How many indecent image crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
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14. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

15. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Indecent Image Crimes Involving Victims Aged Between 10 and 18 Years Old				
Case identifier	Crime recorded	Victim gender	Suspect gender	Victim age

Suspect age	Victim ethnicity	Suspect ethnicity	Victim recorded as disabled	Suspect recorded as disabled

Victim recorded as LGBTQIA (if available)	Suspect recorded as LGBTQIA (if available)	Brief description of the case (if possible)	Outcome type

So-called 'Revenge Porn' – Disclosing private sexual photographs and films

'Disclosing private sexual photographs and films with the intent to cause distress' (Criminal Justice and Courts Act 2015 section 33)

1. How many so-called 'Revenge Porn' crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

2. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

3. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

So-called 'Revenge Porn' Crimes Involving Victims Aged Between 10 and 18 Years Old					
Victim gender	Suspect gender	Victim age	Suspect age	Victim Ethnicity	Suspect Ethnicity

Victim recorded as disabled	Suspect recorded as disabled	Victim recorded as LBGTQIA (if available)	Suspect recorded as LBGTQIA (if available)	Brief description of the case (if possible)	Outcome type

## Upskirting

The practice of taking a photograph or other recorded image up a person's skirt or clothes without their consent, under 'additional voyeurism offences (Upskirting)' (Sexual Offences Act 2003 section 67A)

1. How many Upskirting crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

2. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

3. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Upskirting Crimes Involving Victims Aged Between 10 and 18 Years Old					
Victim gender	Suspect gender	Victim age	Suspect age	Victim Ethnicity	Suspect Ethnicity

Victim recorded as disabled	Suspect recorded as disabled	Victim recorded as LBGTQIA (if available)	Suspect recorded as LBGTQIA (if available)	Brief description of the case (if possible)	Outcome type

## Freedom of Information Request

1. Under the Home Office offence codes **086/02** and **086/10** (To take/make/distribute indecent photographs or pseudo-photographs of children - Protection of Children Act 1978 section 1 and 6 and possession of an indecent photograph or pseudo-photograph of a child - Criminal Justice Act 1988 section 160). How many indecent image offences were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?
  - a. Of these offences how many involved victims aged between 10 and 18 years old?
  
2. Under the Home Office offence code **008/71** (Disclosing private sexual photographs and films with the intent to cause distress - Criminal Justice and Courts Act 2015 section 33). How many so-called 'Revenge-Porn' offences were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?
  - a. Of these offences how many involved victims aged between 10 and 18 years old?
  
3. Regarding question 1.a could you please provide me with the following details from each case:
  - a. Suspect Age and Victim Age
  - b. Suspect Gender and Victim Gender
  - c. Suspect Ethnicity and Victim Ethnicity
  - d. The Crime Outcome
  - e. A Brief Description of the Case (if possible)
  
4. Regarding question 2.a could you please provide me with the following details from each case:
  - a. Suspect Age and Victim Age
  - b. Suspect Gender and Victim Gender
  - c. Suspect Ethnicity and Victim Ethnicity
  - d. The Crime Outcome
  - e. A Brief Description of the Case (if possible)



## Freedom of Information Request

### Indecent Images of Children

To take/make/distribute indecent photographs or pseudo-photographs of children (Protection of Children Act 1978 section 1 and 6), possession of an indecent photograph or pseudo-photograph of a child (Criminal Justice Act 1988 section 160)

1. How many indecent image crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

2. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

3. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Indecent Image Crimes Involving Victims Aged Between 10 and 18 Years Old						
Case identifier	Crime recorded	Victim gender	Suspect gender	Victim age	Suspect age	Victim ethnicity

Indecent Image Crimes Involving Victims Aged Between 10 and 18 Years Old						
Suspect ethnicity	Victim recorded as disabled	Suspect recorded as disabled	Victim recorded as LGBTQIA (if available)	Suspect recorded as LGBTQIA (if available)	Brief description of the case (if possible)	Outcome type

So-called 'Revenge Porn' – Disclosing private sexual photographs and films

'Disclosing private sexual photographs and films with the intent to cause distress' (Criminal Justice and Courts Act 2015 section 33)

1. How many so-called 'Revenge Porn' crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

2. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

3. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

So-called 'Revenge Porn' Crimes Involving Victims Aged Between 10 and 18 Years Old						
Case identifier	Crime recorded	Victim gender	Suspect gender	Victim age	Suspect age	Victim ethnicity

So-called 'Revenge Porn' Crimes Involving Victims Aged Between 10 and 18 Years Old						
Suspect ethnicity	Victim recorded as disabled	Suspect recorded as disabled	Victim recorded as LGBTQIA (if available)	Suspect recorded as LGBTQIA (if available)	Brief description of the case (if possible)	Outcome type

## Upskirting

The practice of taking a photograph or other recorded image up a person's skirt or clothes without their consent, under 'additional voyeurism offences (Upskirting)' (Sexual Offences Act 2003 section 67A)

1. How many Upskirting crimes were recorded between 1<sup>st</sup> January and 31<sup>st</sup> December 2019?

Number	
--------	--

2. Of the above, how many involved victims aged between 10 and 18 years old?

Number	
--------	--

3. Please can you fill out some more information about the context of the relevant recorded crimes in the table below

Upskirting Crimes Involving Victims Aged Between 10 and 18 Years Old						
Case identifier	Crime recorded	Victim gender	Suspect gender	Victim age	Suspect age	Victim ethnicity

Upskirting Crimes Involving Victims Aged Between 10 and 18 Years Old						
Suspect ethnicity	Victim recorded as disabled	Suspect recorded as disabled	Victim recorded as LGBTQIA (if available)	Suspect recorded as LGBTQIA (if available)	Brief description of the case (if possible)	Outcome type

# Online Sexual Images of Teenagers

Does your work involve dealing with or responding to online sexual images of teenagers? Such as:

- 'Sexting'
- Grooming
- CSE
- 'Revenge Pornography'

I am looking to conduct interviews and/or observations with practitioners to understand any ongoing opportunities and challenges within your work in this area.

Findings will be used to inform policy and practice – aiding survivors themselves and those working in the field

PLEASE GET IN TOUCH FOR MORE INFORMATION

Alishya Dhir  
PhD Researcher  
Department of Sociology  
Durham University  
[Alishya.dhir@durham.ac.uk](mailto:Alishya.dhir@durham.ac.uk)  
@AlishyaDhir



### Appendix 3. Participant Information Sheet

**Project Title:**

Responding to Online Sexual Images of Teenagers

**Project aim:**

This research seeks to gather information on different responses to online sexual images of teenagers. Findings will be used to aid those working in this field as well as young people themselves.

**Participation:**

I wish to talk with individuals who have had personal experience with online sexual images of teenagers, whether this be individual involvement or awareness of the practice, and invite you to take part in a 30 minute interview, with myself, in person or over the phone, based on your location and preference.

I would like to ask you a series of questions about your experience, how it was dealt with, as well as your thoughts and feelings about the decision making involved. You do not have to answer all the questions if you don't want to, and you will be free to take a break or withdraw from the study at any time.

**What we will do with your information:**

Interviews will not be recorded, however notes will be taken throughout. Your name as well as personal details will be kept confidential and all your comments will be anonymised. However, please bear in mind that it may still be possible for someone to identify you from comments you make in the interview, even after they have been anonymised, although care will be taken to address this. Please also note that if you tell me something that means that you or another person is at risk of serious harm, I may need to disclose this to relevant agencies - I would always inform you if I was planning on doing this.

All data will be stored on a password protected tablet, which only I have access to. If you change your mind about taking part in the research, you can withdraw from the project any time up until 1<sup>st</sup> December 2020 when I will begin writing up my thesis.

**For more information contact:** [alishya.dhir@durham.ac.uk](mailto:alishya.dhir@durham.ac.uk)

## Support

If you are concerned about anything that has been discussed during your interview and would like to talk it over with someone, please consult the list below:

<https://revengepornhelpline.org.uk/> - support for adult victim survivors of intimate image abuse

<https://www.childline.org.uk/> - support and advice for under 18's

<https://www.brook.org.uk/> - providing free, confidential sexual health and wellbeing advice

Samaritans – emotional support for anyone who is struggling to cope and needs someone to listen

116 123



**Project Title:**

The Role of 'Discretion' and 'Context' in the Policing of Online Sexual Images of Teenagers (Young People)

**Project aim:**

This research seeks to identify the main opportunities and challenges of policing online sexual images of teenagers, in particular the roles which are played by 'discretion' and 'context' will be assessed. Findings will aim to provide examples of good practice which can in turn be used to improve both policy and practice – aiding those in the field and involved in cases.

**Participation:**

I am looking to carry out practitioner interviews with individuals who have experience working on cases related to online sexual images of teenagers, whether this be from a policing or educational perspective. I would like to invite you to take part in a 30 minute interview, with myself, in person or on the phone, based on your location and preference.

I would like to ask you a series of questions about your work, your views on decision making during cases and feelings regarding the policing of online sexual images of teenagers. You do not have to answer all the questions if you don't want to, and you will be free to take a break or withdraw from the study at any time.

**What we will do with your information:**

If you are happy for me to do so, I will be taking notes during the interview; your name and personal details will be kept confidential and all your comments will be anonymised, unless you would prefer for this not to be the case. However, please bear in mind that it may still be possible for someone to identify you from comments you make in the interview even after they have been anonymised. Please also note that if you tell me something that means that you or another person is at risk of serious harm, I may need to disclose this to relevant agencies - I would always inform you if I was planning on doing this.

All data will be stored on a password protected tablet, which only I have access to. If you change your mind about taking part in the research, you can withdraw from the project any time up until 1<sup>st</sup> December 2020 when I will begin writing up my thesis.

**For more information contact:** [alishya.dhir@durham.ac.uk](mailto:alishya.dhir@durham.ac.uk)

## Support

If you are concerned about anything that has been discussed during your interview and would like to talk it over with someone, please consult the list below:

Samaritans – emotional support for anyone who is struggling to cope and needs someone to listen

116 123

Mind – support for those facing mental health problems

0300 123 3393

Police Care UK – specialist support for police officers and their family members

0300 012 0030



## Appendix 4. Consent Form



### Project Title:

The Role of 'Discretion' and 'Context' in the Policing of Online Sexual Images of Teenagers

In order to participate in this research you must first confirm that you have given informed consent to do so. This means that I have a responsibility to make sure that you fully understand what taking part will involve. Please therefore familiarise yourself with the accompanying information sheet, feel free to ask me any questions that you may have about the research, and then complete the form below.

	Yes	No
I have read the information sheet and been given the opportunity to ask questions about the research project, with satisfactory responses.		
I understand that I have the right to stop the interview at any time.		
I understand that notes made during the interview and future data will be stored securely, that once the project is complete any notes will be deleted and that any identifiable information about myself or others will be anonymised.		
I am aware that whilst my personal details will be kept confidential, if the researcher feels that I or somebody else is at risk of serious harm, they may need to disclose this to relevant agencies.		
I understand that I am free to choose whether or not to take part in this research project, and that I am free to withdraw from it at any time during the observation or after it has been completed until 1 <sup>st</sup> December 2020.		
I understand that I can keep a copy of this consent form for my records.		

I confirm that I understand what is required of me for this research project and that I consent to taking part in it:

Signed: \_\_\_\_\_

For more information contact: [alishya.dhir@durham.ac.uk](mailto:alishya.dhir@durham.ac.uk)

## Appendix 5. Police Interview Schedule

### Introduction

- Firstly, I want to thank you for taking time to participate in my research, especially since I can imagine you are very busy at the moment.
- To provide some background information, when I use the phrase 'online sexual images of teenagers' I am referring to an age bracket of 10 to 19, and crimes such as indecent images, so-called 'revenge porn' as well as upskirting. I am particularly interested in these incidents taking place between teenagers.
- I also apologise for any long pauses during the interview as a result of me taking notes.
- Do you have any questions before we begin?

### Project Title:

The Role of 'Discretion' and 'Context' in the Policing of Online Sexual Images of Teenagers (Young People)

### Topic Guide:

1. Criminal Offences
  - a. What criminal offences have you come across during your work?
  - b. Which would you say is the most common (regarding sexual offences)?
  - c. Have you used any alternative offences which you think better capture the crime?
  - d. Do you think there are any limitations in the current law and/or application of the law surrounding the policing of online sexual images of teenagers?
2. Cases/Examples
  - a. Could you please tell me about cases that you have encountered over the last few years? (follow up with what happened and the decision-making process)
    - i. Try to cover so-called 'revenge porn', 'sextortion', indecent images and upskirting
3. Challenges (practically and strategically)
  - a. What do you think are the main challenges when responding to online sexual images of young people, such as technology or resources etc?
  - b. Do you think these factors influence what you believe to be the best course of action?
4. Opportunities (practically and strategically)
  - a. What do you think are the main opportunities when responding to online sexual images of young people?
  - b. Do you think this influences your options and/or the outcomes of relevant cases?

5. Decision-Making
  - a. During the police process, when is decision-making utilised the most and when is it not?
  - b. Do you encounter any external influences on decision-making, such as parents, schools etc?
    - i. Do you think there are stakeholders who have a greater influence on the decision-making?
  - c. What does public interest mean to you in relation to these cases?
  
6. Context
  - a. Do you think it's fair to say that you deal with a variety of cases, particularly concerning the context?
  - b. How do you take into consideration specific contexts or vulnerabilities? For examples if the victim is BME, comes from a particular class or has a disability, and the video or image in this instance is causing additional risks?
  
7. Personal Opinion
  - a. How do you personally feel about policing/responding to online sexual images of teenagers?
  - b. Do you think having children effects decision-making?
  
8. Current Climate
  - a. Do you think the current pandemic, and teenagers spending more time inside, will influence these crimes (increase or decrease)?
  - b. Has any mitigation been put in place?
  
9. Other Comments

## **Appendix 6. Practitioner Interview Schedule**

### **Introduction**

- Firstly, I want to thank you for taking time to participate in my research, especially since I can imagine you are very busy at the moment.
- To provide some background information, when I use the phrase ‘online sexual images of teenagers’ I am referring to an age bracket of 10 to 19, and crimes such as indecent images, so-called ‘revenge porn’ as well as upskirting. I am particularly interested in these incidents taking place between teenagers.
- I also apologise for any long pauses during the interview as a result of me taking notes.
- Do you have any questions before we begin?

### **Project Title:**

The Role of ‘Discretion’ and ‘Context’ in the Policing of Online Sexual Images of Teenagers (Young People)

### **Topic Guide:**

10. Could you please tell me a bit about your work?
11. Criminal Offences
  - a. What sexually harmful behaviour (criminal offences) have you come across during your work?
  - b. Which would you say is the most common (regarding sexual offences)?
12. Cases/Examples
  - a. Could you please tell me about the cases which you encounter?
    - i. Try to get examples of upskirting, so-called ‘revenge-porn’ and other forms of IBSA
13. Challenges (practically and personally)
  - a. What do you think are the main challenges when responding to online sexual images of young people?
  - b. Do you think this effected your decision making/decision-making within your field?
14. Opportunities (practically and personally)
  - a. What do you think are the main opportunities when responding to online sexual images of young people?
  - b. Do you think this effected your decision making/decision-making within your field?

15. Discretion

- a. In your work, is there a point where decision-making is vital?
- b. Where do you think external decision making comes in i.e parents, schools, police etc?
  - i. Do you think there are stakeholders whose discretion has more of an influence?

16. Context

- a. Do you think it's fair to say that you deal with a variety of cases, particularly concerning the context?
- b. To what extent do you adapt your decision making depending on the context (in this instance context related to the 'incident', age, race, sexuality and class of those involved)?

17. Personal Opinion

- a. How do you personally feel about policing/responding to online sexual images of teenagers?

18. Current Climate

- a. Do you think the current pandemic, and young people spending more time inside, will influence these crimes (increase or decrease)?
- b. Has any mitigation been put in place?

19. Other Comments

## **Appendix 7. Follow-Up Interview Schedule**

### **Project Title:**

The Role of 'Discretion' and 'Context' in the Policing of Online Sexual Images of Teenagers (Young People)

Thank you for participating in this follow-up interview for my PhD research concerning the opportunities and challenges of policing online sexual images of teenagers. The questions below have been designed to gather more information about emerging themes, you do not have to answer all the questions if you don't want to, and you will be free to take a break or withdraw from the study at any time.

1. Regarding image-sharing amongst young people, what social media platforms have you seen used the most?
  - a. What would you say are the harmful features/how have you seen them be used?
  
2. There is quite a heterosexual understanding of youth image-sharing, have you yourself encountered any cases involving individuals from the LGBT+ community and/or non-binary individuals?
  - a. Please describe, if not why do you think that is the case?
  
3. My emerging findings suggest that 13-14 year old's are most commonly recorded by the police to be sharing images, does this surprise you?
  - a. Why/why not?
  
4. Do you think there is a connection between non-consensual image sharing and teenage dating violence?
  
5. To what extent do you think class plays a role in the occurrence of non-consensual image-sharing?
  
6. To what extent do you think race and ethnicity play a role in the occurrence of non-consensual image-sharing?

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