

Queensland Police Stings in Online Chat Rooms

Tony Krone

This paper reports the experience of Queensland police in the investigation of predatory behaviour by men seeking sex with children through online chat rooms. It includes a discussion of two successful prosecutions. The results of this study show the aggressive and rapid way that children are targeted by adults for sexual purposes. In 76 per cent of cases the suspect was arrested for an offence within one month of the first online contact. In 68 per cent of cases the adult sought offline contact with the child. In 48 per cent of cases the adult suspect was arrested at the intended rendezvous with the child. This work is the result of a collaboration between the Australian Institute of Criminology and the Australian High Tech Crime Centre.

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Children are growing up with computers. They use computers at home, at friends' places, at the library and at school to work, play and communicate. Some have net connectivity on portable devices such as mobile phones. Computers connected to the internet provide a number of ways to communicate in real time with other people who can be anywhere, including across the room, hallway, road, city, state, country or world. Various facilities are available to search out others with similar backgrounds or interests. If a child enters an online chat room they may encounter an adult person, who may or may not be pretending to be a child, but who is on the lookout for a child to whom they can 'talk dirty', send obscene images, obtain sexually explicit pictures, engage in cybersex or meet for sex offline. The adult might strike up a conversation which very soon progresses to a sexually explicit topic. In some jurisdictions there may be a limited range of possible offences to cover such actions. Where there are laws in place, how are we to combat this predatory type of behaviour? One way is for the police to pretend to be children in online spaces and wait for the predators to come to them.

This paper reflects on the nature of online grooming and the police response. It reports on the 25 investigations into online grooming completed by the Queensland Police in the period June 2003 and September 2004 under the code name Task Force Argos. The purpose of this study is to better understand how online grooming offences are committed and how they can be policed.

Laws against seeking sex with children

A range of possible offences may be used where an adult engages in sexual activity with a child, depending on the nature of the sexual activity. If, however, an adult approaches a child with the intent of engaging in sexual activity, but no sexual activity actually takes place, that may or may not constitute an offence. Whether or not it is an offence depends on the available law. In cases of *attempting* to commit a sexual offence, there will also be a question of fact to answer – that is,



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whether the adult has taken steps towards carrying out their intent. While the relevant laws vary across Australia, the possible charges fall into four categories:

1. attempting to commit a specific sexual offence with a child;
2. procuring a child for a sexual purpose;
3. soliciting a child for a sexual purpose; or
4. grooming a child by communicating with that child with the intent to procure that child to engage in a sexual act.

Queensland introduced a specific law against adults grooming children for sexual purposes in the *Sexual Offences (Protection of Children) Amendment Act 2003*. The Act inserted section 218A into the Queensland Criminal Code. The provision makes it an offence for an adult to use electronic communication (such as email, internet chat rooms, SMS messages, real time audio/video or other similar communication) with the intention of procuring a person under the age of 16 years (or whom the adult believes to be under 16 years) to engage in a sexual act. The definition of sexual intercourse is specifically not limited to acts involving physical contact. Nor does the prosecution have to prove that the adult intended a particular sexual act. It is no defence if it is in fact impossible for the child to engage in the sexual act intended. To 'procure' includes knowingly enticing or recruiting for the purposes of sexual exploitation. This law also makes it an offence for an adult to expose a person to any indecent matter, 'without legitimate reason', where that person is under the age of 16 years, or the adult believes that person to be less than 16.

These provisions have extra-territorial effect in relation to the location of the adult or the child, by the use of the words 'either in Queensland or elsewhere'. The maximum penalty provided is five years imprisonment. However, a maximum penalty of

Case study 1: *R v S* (unreported)

In March 2002, Queensland Police began an undercover operation against a person whom they had discovered in a chat room seeking underage girls for sex. A police officer, posing as a 14-year-old girl, was asked by S to meet with him in Brisbane so that he could photograph her nude and have sex with her. In conversations between S and the undercover police officer, S claimed to have photographed underage girls in the nude and to have some 66,000 images. At the time of the investigation, section 218A of the Criminal Code (Qld) was not in force; however, other offences subsequently came to light.

Police received a complaint of sexual abuse which occurred in another state upon a 14-year-old female victim who had met her abuser on the internet. The internet address of that person matched S's address and interstate police were advised. Arising from this investigation, interstate police were told by a second girl that S had arranged on the net to meet with her to have sex. S was arrested in 2002 by interstate police at the meeting place. His computer was seized when a search warrant was executed at his Queensland home.

While the interstate matters are not finalised as at January 2005, the computer search revealed offences in Queensland for which S was dealt with in Queensland in September 2004. The charges included maintaining a sexual relationship with a child, indecent treatment of a child, and copying and distributing child abuse images. One child was 12 years of age at the time and had been befriended by S on the internet. The other child was aged five and was made available to S by her father whom S had met in an internet chat room. S was sentenced to seven years jail with parole eligibility after two and a half years.

10 years applies if the child is, or is believed by the adult to be, less than 12 years of age.

One aim in introducing this law was to enable police and other law enforcement agencies in Queensland to operate stings to catch online groomers. This involves police officers posing as children accessing the internet in order to uncover adults who are seeking to procure children online for sexual activity. The law states that 'it does not matter that the person is a fictitious person represented to the adult as a real person.' Furthermore:

evidence that a person was represented to the adult as [being under a certain age] is, in the absence of evidence to the contrary, proof that the adult believed that the person was under that age.

However, a defence is provided where it can be proved that the adult believed on

reasonable grounds that the person was at least 16 years of age or 12 years of age. Following the commencement of this law, the Queensland Police and the Queensland Crime and Misconduct Commission (CMC) have been engaged in covert operations to detect adults using electronic means to procure children for sexual activity.

Following on from the Queensland law, the Australian government enacted an anti-grooming law in the *Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No. 2) 2004* (Cwlth), which came into effect on 1 March 2005 and deals with the use of telecommunications to commit such an offence.

Methodology

Research for the present study was conducted at the offices of Task Force Argos at the Brisbane Headquarters of

the Queensland Police Force. Task Force Argos officers were interviewed. In addition, the papers that were prepared by the task force for the prosecution of each of the identified suspects were made available on-site to the researcher. These papers comprised a case summary and a computer print-out of the criminal record for each suspect. Notes were taken from the police records and coded into an anonymous database. In most instances, the police data included suspect details such as:

- age;
- employment status;
- location where the offence is alleged to have taken place;
- criminal history; and
- details of the interactions that took place between the suspect and the police officer acting as a child.

In order to better understand the nature of these operations, the researcher sat in on an online chat room session where a police officer posed as a 13-year-old girl named 'Carly'. During the sessions the police involved did not initiate sexual discussions with suspects but responded to advances made by suspects to them. The courts had dealt with only three of the suspects at the time. Case studies of these three offenders are included in this paper.

Referral cases and charges laid

Of the 25 matters where a suspect was identified, 22 involved a police officer or CMC officer initiating the contact by posing as a child online. In three separate cases the police became involved in online contact with a suspect following complaints about the suspect contacting real children online. In these cases the police assumed the persona of the child concerned and engaged the suspect online to obtain evidence of offending. These separate cases involved:

- a 10-year-old girl who the suspect was encouraging to run away from home to live with him in a sexual relationship;

- a 12-year-old boy to whom the suspect had written on a number of occasions suggesting that he have sex with his eight- and 10-year-old sisters and a seven-year-old cousin; and
- a 14-year-old boy in Canada to whom the suspect had repeatedly sent male child pornography.

Multiple charges were laid using a number of offences. Some of these charges arose following investigation of the computer equipment of the suspects. In 18 cases (72 per cent) the primary charge was for seeking to procure a child online for sexual purposes. In the remaining eight cases the primary charge was for exposing a child to indecent material.

Suspect age, social circumstances and location

Suspects' ages ranged from 19 to 55 years. The mean age of suspects was 34 years. One matter investigated by police led to the identification of a 17-year-old male seeking to procure the police target for sexual activity. As section 218A relates to the activities of adults, no charges were laid and that case is not included in this study.

The largest proportion of suspects were single men who no longer lived at their parents' home (32 per cent). Almost as many were single and lived at home (28 per cent) as lived in a married or de facto relationship (24 per cent). The relationship status of four suspects is not indicated (16 per cent). Three suspects had at least one dependent child.

The majority of suspects (56 per cent) were in some form of paid employment across a range of trade and service sectors. Thirty-two per cent were in receipt of a pension or benefit.

The chat rooms that police entered covered a range of interests but were generally associated with the South East Queensland region. Thirteen suspects (52 per cent) were located in the Brisbane metropolitan area. Nine suspects (36 per cent) were located in rural Queensland. One each was located in the Northern Territory, rural New South Wales and Melbourne (12 per cent).

Gender issues

All of the suspects were male. All of the police-assumed identities were female. In two of the referred matters the target was a boy. In the case of the child in Canada to whom male child pornography was sent, and in the case of the boy incited to have sex with his siblings and cousin (both referred to above), the suspect was not seeking to have sex with the boys himself.

The police involved in Task Force Argos reported a marked contrast in the way they were treated when posing as boys online in the initial phases of their operation. No offences were committed when police posed as boys in online chat rooms, and they were not solicited at all for sexual purposes. This does not mean that boys are not targeted for sexual purposes online. It may be that there are other chat rooms more typically used by boys where they may be targeted for sexual abuse, or that

Table 1: Period of engagement and place of arrest

| Elapsed time from first online encounter (days) | Arrests not at rendezvous | Arrests at rendezvous | Total number of arrests |
|---|---------------------------|-----------------------|-------------------------|
| One day | 4 | 4 | 8 |
| Within one week | 1 | 2 | 3 |
| 9–29 days | 3 | 5 | 8 |
| 47–80 days | 3 | 1 | 4 |
| Over 330 days | 2 | 0 | 2 |
| Total | 13 | 12 | 25 |

Source: AIC Task Force Argos database [unit record file]

online interactions involving boys occur in different ways.

Time taken in investigations

An offence is committed under the anti-grooming law as soon as the suspect either forwards indecent material, or seeks to procure the child for a sexual act. The time between initial engagement of a suspect and completion of the investigation varied greatly. The two crucial aspects that are required by police to close an investigation and proceed to the arrest of a suspect are:

- the commission of one or other of the grooming offences; and
- obtaining evidence that links a particular suspect with that offending conduct.

These two events do not always coincide. Overall, the period from initial online contact to completion of the police case was short, taking less than one day in eight cases, with a further 11 cases completed within one month. Table 1 shows the time elapsed from first internet chat to arrest, and whether the arrest took place at a planned rendezvous. Arrests at the rendezvous point occurred in 12 of the 25 cases (48 per cent of cases). Four of these took place on the day that contact was first initiated. In the exceptional case of sending male child pornography to the boy in Canada, this conduct extended over a period of 395 days.

The nature of online interactions

Previous research has reported elaborate online grooming strategies used by offenders over time to develop a relationship with children to obtain online or offline sex (O'Connell 2003). In O'Connell's UK-based study, six basic stages of interaction were seen to typically progress as follows:

- friendship forming;
- relationship forming;
- risk assessment;
- exclusivity;

Case study 2: *R v K* [2004] QCA 162

In February 2004, K was the first person sentenced in Queensland for using the internet to procure a person whom he believed to be less than 16 years of age to engage in a sexual act. An initial sentence requiring that he be imprisoned for a minimum period of nine months was overturned on appeal and a suspended sentence of 18 months was imposed with an operational period of four years backdated for the 90 days already served.

K met a person who he thought was a 13-year-old girl who used the online name of Becky Boo in a mainstream chat room. In online conversations K described in detail how he would engage in sexual activity with Becky Boo. The appeal judge noted that K was 'insistent and aggressive about pursuing a meeting' over a three-day period. K arranged to meet Becky and was arrested at the meeting place. K told police that he did not think he would do anything sexual with Becky despite what he had said online.

K had obtained psychiatric counselling regarding his sexual interest in girls aged between 10 and 13 years. The police officer posing as Becky Boo had provided an image of a model in response to K's request for a photo, saying that some people said she looked like this. The appeal court took the view that this was an image of a 'provocative teenager' and involved a degree of enticement by the police, concluding that the communications did not result in the corruption of an 'unworldly child'. While the appeal court affirmed that a prison sentence was appropriate for an offence of this type, it was thought to be an important consideration towards mitigating penalty that no child was actually involved. The court therefore imposed the lesser sentence.

- sexual; and
- concluding.

The nature of the interactions between suspects and police posing as children in the cases under study revealed less distinct or elaborate stages. There were three types of interaction noted:

1. overtly sexual exchanges;
2. seeking verification of the child's circumstances and identity; and
3. building up the confidence and trust of the child.

Importantly, the interactions were mostly condensed into a short time frame, collapsing the distinct phases observed by O'Connell. Also, in many cases the online chat in one session would cover a number of different exchanges.

Overtly sexual exchanges included the following:

- discussing meeting offline to perform a sexual act (68 per cent of suspects);
- discussing sex and sexual acts in general (52 per cent of suspects);
- discussing sexual acts involving the child (48 per cent of suspects);
- sending sexually explicit material (42 per cent of suspects) – child

pornographic images were sent by just two suspects including, in one case, images of the suspect's sexual abuse of other children;

- online masturbation by the suspect to the child via webcam (36 per cent of suspects) – this appeared to be part of a process to facilitate further abuse, rather than an end in itself, as just over half of these suspects also discussed meeting the child offline for sexual purposes; and
- offers of reward for sexual services (eight per cent of suspects).

Verification methods were used by 48 per cent of suspects and included requiring other forms of communication, for example, a conversation by mobile phone or sending a photo of the child. Confidence-building measures taken by suspects included forwarding a non-sexual photo of the suspect to the child (28 per cent of suspects) and engaging the child in neutral non-sexual conversation (32 per cent of suspects).

There was no clear pattern in the nature of online interactions engaged in by different suspects. Less than half (48 per cent) sought some form of verification of the identity of the child.

Twenty-two suspects (88 per cent) engaged in more than one type of overtly sexual interaction.

Online and offline sex

The cases are divided in terms of whether the suspect sought an offline encounter with the child or not. Sixty-eight per cent of suspects discussed, sought, or arranged an offline meeting with the child. In those cases which did not proceed to a request for an offline encounter it is not possible to say whether the suspect would have, in the longer term, gone on to seek an offline meeting.

It is possible that some offenders are satisfied with the online sexual exchanges with the child. These include cybersex encounters where the child or the suspect engages in masturbation, either describing some aspect in text, or performing live to a webcam. In other cases, suspects may want the child to send an indecent image of themselves or the suspect may want to send indecent images to the child. However, of the nine suspects (thirty-six per cent) who masturbated online to the child, five also discussed meeting offline with the child.

Court results

Police stings in online chat rooms present new challenges in prosecution and sentencing. The way these issues have been addressed can be seen in the initial court results from two cases in this study (see case studies 2 and 3).

The cases of K and H demonstrate the very important issues of what, if anything, the court is to make of the child portrayed to the offender and what is to be made of the lack of a real child in the online interactions. Care should be taken, however, not to unduly minimise this type of offending on the basis that there is in fact, no victim, or because police are involved, or the interactions take place often over a short period of time.

Conclusions

The way in which the suspects in this study pursued the children they were chatting to indicates that this is a crime type that must be taken seriously. Not all interactions fell into a typical pattern, nor could all be said to have been of equal severity. However, online grooming is a crime type where the classic conditions of motive, opportunity and lack of an effective guardian for crime to occur appear to coincide. For some jurisdictions there is no law to adequately cover soliciting children for sexual purposes. The problem of the solicitation of children online is only just beginning to be recognised as a potentially serious problem.

The present study was based primarily on cases where a small team of police, posing as girls between 13 and 16 years of age, were able to identify a suspect and proceed to arrest over a period of 14 months. It does not include those instances where an offender could not be identified and does not cover:

- the risk to male children, or to girls of other ages, in the use of online chat rooms; or
- the risks associated with the use of particular online chat rooms or of

accessing them at various times of the day.

Despite these limitations, the study does show how online chat rooms are being used to groom girls of a particular age for sexual purposes.

What is remarkable about the cases under review is that the suspects were committed and aggressive in their online pursuit of sexual interactions with girls less than 16 years of age. The offenders were highly motivated and appeared driven by a strong desire for sexual gratification in the short term. The level of discussion of offline meetings for sexual purposes showed that most offenders were not simply seeking cybersex. Offenders demonstrated an expectation that the use of online chat rooms was an easy way to access young girls for sexual purposes. More research is needed to understand the motives and offending patterns of those found to be involved in grooming children online.

We cannot rely on children alone to report sexually aggressive online behaviour. Given that suspects quickly escalate contact to sexually explicit exchanges, there is a real prospect that this can be used to make children feel

Case study 3: *R v H* [2004] NTSC 20322573

H was a resort manager in the Northern Territory when he met a person who he thought was a 15-year-old girl named Tiffany in an internet chat room. Tiffany was the assumed identity of an undercover Queensland police officer. H and Tiffany made a number of exchanges. On the first day H sent an email suggesting that Tiffany meet him at the Novotel Motel in Brisbane. Tiffany said she was 15 and H said he did not care what age she was. H engaged Tiffany in general conversation which progressed to questions of Tiffany about sex. H offered Tiffany a job at the resort he managed and said she could live with him rent free. H sent Tiffany a phone credit card and offered to put \$500 in her bank account. H arranged to meet Tiffany at a motel in Brisbane and spoke about sex. That meeting was called off by H who then arranged for Tiffany to fly to Alice Springs to meet him to spend the weekend in a hotel in Alice Springs. H paid for an airfare and was at the airport to meet Tiffany when he was arrested by police.

Following a plea of guilty, H was sentenced in the Supreme Court of the Northern Territory at Darwin on 13 July 2004. The judge described the offence as serious and H's actions as 'well planned and premeditated'. The judge noted the evidence of a psychologist that H suffered from depression and in offending had behaved in a 'desperate manner to avoid making attempts on his own life as he had previously'. The judge accepted that H did not present a danger to the community. The judge imposed a sentence of 12 months imprisonment suspended on condition of being of good behaviour and accepting correctional service supervision for two years.

guilty and therefore reluctant to report such offending. Under the circumstances, online police stings are likely to be an important tool in combating the sexual exploitation of children using online chat. There is widespread acceptance that properly authorised undercover stings are a necessary aspect of combating other difficult-to-detect crimes. We should consider the prevention of the sexual exploitation of children with equal if not greater concern. The police stings demonstrate a way of disrupting offending behaviour and introducing an element of deterrence for those who may otherwise seek children online for sexual purposes.

However, police cannot be in every chat room and there is a need to involve industry and, in particular, those who provide online chat room services, to ensure that clear rules exist for the safe use of chat rooms and to ensure that online conduct is monitored. The announcement of the Virtual Global Taskforce is a further measure towards ensuring police and industry cooperation in this area (AFP 2005). Above all, it is important to educate children and those who care for them in all aspects of internet safety and to have clear avenues for the reporting of suspect behaviour on the net. For information and advice see <http://www.netalert.net.au/>.

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