

Mobile Phone Crime: A New Area of Concern for the Criminal Justice System?

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When most people think about mobile phone crime, the first thought is about someone having their mobile phone stolen. Although this activity is now one of the UK's most reported crimes, this article focuses on the potential for mobile phone crime from a different perspective - those people who can use mobile phone technology to exploit and/or harm others.

Mobile Phone Scams

Text messaging is growing at an almost exponential rate with around 17 billion messages sent last year in Britain alone (Collinson, 2002). The meteoric rise of text-messaging has opened up a new channel for marketers to communicate with potential clients. However, this has led to many different ways that unscrupulous companies are using mobile phones to con unsuspecting people. Furthermore, serious criminals are taking advantage of the technology, with an increase in incidents where text messages are used to extort money. Here are just a few examples:

Text "flirting"

Typically a message is sent to mobile phones saying "I fancy you ... to find out who I am call [number]". Anyone who responds by calling will automatically be spending £1.50 a minute on a premium rate telephone number. They are then asked to give five mobile phone numbers of people that might "fancy" them. The Independent Committee for the Supervision of Standards of Telephone Information Services (ICTIS) have already tried clamping down on five text-flirt operators but the fines are small in comparison to the money the companies or criminals appear to be making.

Bogus prize wins

Typically a text message is sent to mobile phones saying that the phone user has won a prize to (say) the value of £200. However, the "prize" is usually something that may be worth £200 but requires spending more to be able to claim it. Extra money is also spent having to ring the premium rate telephone number. Again ICTIS have fined such companies but they are still operating.

Accidental phone sex

Typically a text message is sent to mobile phones saying "Call Honey" (and the like). Anyone then trying to contact "Honey" would find themselves ringing a £1-a-minute premium rate adult telephone sex service.

Although there are lots of variations on a theme, almost all of these scams are legal and the operators usually get off with small fines. Perhaps far more serious are some of the crimes outlined in the next section.

Text-message Bullying

"I know your school. I'm going to beat you. Hurt you. Disfigure you."

This was a genuine text message on a 15-year-old Lancashire boy's mobile phone. He knew why he was being threatened, but did not know the bully's identity. Weeks before he had formed a friendship through an Internet chat-room. He gave his mobile number, but did not get one back in return. When the relationship soured, the "friend" started sending abusive e-mails. The boy changed his e-mail address. However, the abuse switched to the text-messaging on his mobile phone (Carvel, 2002).

According to a survey by the National Children's Home (NCH) this example is not uncommon. They found 16 per cent of young people aged between 11 and 19 years received threatening text messages on their mobiles (Carvel, 2002). The charity commissioned the survey after hearing anecdotal evidence of bullying like the case above. After questioning a representative sample of 856 young people, the NCH found bullying by text message was commonplace. The NCH has advised all schools to amend policies against bullying to include text-messaging abuse, with training for teachers and pupils on handling it. Although it was simple to escape e-mail bullies by changing an e-mail address, phone companies often charge for changing the number of the pay-as-you-go mobiles most commonly provided by parents for children.

Text-message bullying is not confined to adolescents and has been described as Britain's fastest-growing crime (Thompson, 2003). Such bullying has led to a dramatic increase in criminal cases of threatening behaviour and harassment. In Scotland, figures released by Lothian and Borders police showed a 70 per cent increase in the past year. Similar increases have been reported elsewhere, with police forces in the south-east of England reporting a rise of more than 50 per cent over the past two years (Thompson, 2003). Police have reported an increase in cases of threats and extortion. To criminals it is attractive because they can be anonymous, remote, and do not have to face their victims. However, there are ways to prosecute those found guilty. Because text messages are sent across the telecommunications network, they are governed by both the Malicious Communications Act and recent anti-stalking legislation.

For instance, in May 2003, a 50-year-old man David

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Cruz, was imprisoned for five years after a five-month campaign of explicit and threatening text messages to 25-year-old personal trainer Chloe Easton. Such cases are being taken seriously because recent experience shows that repeated text threats can often lead to more serious crimes. Rena Salmon, who was jailed for life in May 2003 after gunning down her husband's pregnant mistress, had sent dozens of text threats to her victim before killing her. Finally, a Belfast shop worker David Barnes was shot dead as he slept alongside his girlfriend. He had received a series of threatening, anonymous text messages on his mobile in the weeks before. However, the messages could not be traced because they had been sent using an unregistered "pay-as-you-go" phone.

Mobile Phones: The Future?

Nobody is absolutely sure what the mobile phone device of the future will be. However, operators need to start offering new services in order to increase revenues while the handset manufacturers need new devices to persuade customers to trade in their old phones (Wray, 2003a). Diversity is beginning to hit the market as vendors try every possible combination of technological and design features to entice buyers into already saturated markets. For instance, the latest mobile phones include picture messaging facilities and video capability. All the latest adverts are introducing consumers to new ways of using their mobile phones. The two areas that perhaps have most to gain from third generation (3G) mobile phone technology are the pornography and gambling industries. As with most forms of technological innovation, it is these industries that have most to gain financially from their customers. Unfortunately, by providing such services direct to mobile phone users, there is little to protect vulnerable populations (eg, adolescents, the learning disabled, problem gamblers, the intoxicated, etc) and at present there is little in the legislation to prevent it (Griffiths, 2002).

It is often said that "sex sells" and nowhere is this more true than in the new multi-media world in which we live. I would also argue that sex drives technological innovation (Griffiths, 2000a) particularly when the case of pornography is examined. From the earliest days of photography to the latest innovations in real-time, one-to-one video conferencing, sex has played a defining role in the development and advance of new communication technology. Although the pornography industry cannot be credited with inventing these new technologies, they were certainly the first to put them to profitable (and occasionally criminal) use. Pornographers have always been the first to exploit new technologies whether it be photography, videotape, Internet, and now mobile phones. Anyone developing new mobile services or intent on exploiting the new medium to sell a service faces the challenge of getting to grips with the new technologies. Many want to know how consumers on the move can be targeted for marketing purposes. This is also true for those in the criminal world as crime always follows money (Griffiths, 2000b).

No one really knows how many people currently use picture messaging as the technology is still in its infancy. This will soon change as the Mobile Data Association (who currently collect data on the numbers of text messages) is

going to start collating these types of data. There seems little doubt that picture messaging is going to become increasingly important. Approximately two-thirds of all mobile phones now being sold have picture messaging capability (Wray, 2003b). Furthermore, if people can see what the other person is actually doing at the other end of the phone, it brings the concept and possibility of "phone sex" well and truly into the 21st century. For most of us, this might be seen as socially acceptable. However, where the danger lies is if some people start to use this technology in undesirable and (possibly) criminal ways.

In Japan, there have been many reported cases of people using their mobile phones as a camera to take photographs up women's skirts on railway escalators (Wray, 2003b). This was easy to do because unlike cameras, there was no clicking noise to indicate that the picture had been taken. The most obvious analogy to where mobile phones will go is the Internet. Although mobile phone networks do not have the same potential for paedophiles in being able to track down children it still provides the opportunity to swap photos (as they have done on the Internet). Furthermore, it is now possible to e-mail photos from a phone to a computer. Various groups (such as the NSPCC) are already trying to get phones that can take photos banned from swimming pools and leisure centres. Thankfully, operators are privately discussing ways to prevent paedophiles using picture and video messaging phones (Hinsiiff, 2003).

The mobile phone network could be argued to be even more anonymous than the Internet when two individuals are communicating with each other. It is already well-known in the criminal world that the best way to have anonymous communication is by the use of a pre-paid mobile bought for cash (Wray, 2003b). This is because there are no records of who owns the phone. There seems little doubt that mobile phone service providers might have to endure the same kind of onslaught that Internet service providers have had over the last five years. The good news is that the five main UK mobile phone operators with 3G licences are planning to sign up to the Internet's governing body (ie, Internet Watch Foundation). They are also examining the potential misuse of the current technology.

Jack Wraith, Chair of the Mobile Industry Crime Action Forum, says parents should think twice before buying children the latest mobile phones amid concerns that new technology could draw them into pornography (Hinsiiff, 2003). Parents will soon be able to get mobile phones with 'blocking' devices to prevent children stumbling across explicit websites and unsuitable online "chatrooms". Wraith says that parent has to be aware what they are giving if they give a 12 or 13-year-old child one of the latest models of phone. He was quoted as saying "If you said to a parent there is a red light district around the corner, they would make sure that their kids didn't walk through it and the issue of children using mobile phones is not really different" (Hinsliff, 2003). One of the problems is that while most parents now supervise home computer use to check children are not accessing explicit material, mobile phones are far easier to use secretly without parental knowledge. The dangers were highlighted by a recent court case involving a teenage girl seduced by a 46-year-old man

she had met through an Internet chatroom she dialled up on her WAP phone which gives limited access to the Internet. Married male nurse Phillip Bugler was sentenced to four years for unlawful sex. The girl's parents said afterwards they checked her computer, but had no idea what she was doing with her mobile phone (Hinsliff, 2003).

Stephen Timms (Government Minister for e-commerce), has recently gone on record to say that Government was working with the mobile industry on a code of practice to ensure that access by minors to inappropriate or illegal material is as hard as it is via any other medium. The code being drawn up is expected to include offering **mobiles with "filters"** for explicit material similar to those already installed on many home computers and introducing age ratings similar to those on cinema films on sensitive services offered by mobile operators, such as online gambling or violent games. Buyers of the packages would have to prove they were over 18 years. Clearly, the use of mobile phones **in the criminal** world is in its infancy but is certainly an area that warrants vigilant monitoring over the next few years.

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