North Yorkshire Police, Fire & Crime Commissioner

Suffering in Silence

Why Revenge Porn victims are afraid and unwilling to come forward because of a fear they'll be named and shamed – and why that needs to change

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Image-Based Sexual Abuse Report 2018

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Executive Summary

The evidence is stark and irrefutable – the government, police and criminal justice system are collectively failing victims of revenge porn. This needs to be recognised and change has to come. Whilst the bad news is clear, and there are a number of different ways in which victims are let down, this report is helpful in explaining very clearly how we can work together to better support victims. The recommendations at the end of this report set out a clear direction of travel, and it is vital those recommendations are taken forward.

For context, there are two terms used in this report; 'Image Based Sexual Abuse' and 'revenge porn'. Image-Based Sexual Abuse (IBSA) is a term encompassing a large range of harms, one of which is commonly known as revenge porn (the term we will use throughout this report), but includes up-skirting, 'fake porn' and others. The legal definition of the revenge porn offence is 'the sharing of private, sexual materials, either photos or videos, of another person without their consent and with the purpose of causing embarrassment or distress'.

A survey we conducted in 2015 analysing 3,000 responses from members of the public, found that the lack of anonymity is a very real cause for concern, that the public are under the false impression that there is anonymity in place, and that a specific lack of anonymity prevents victims from wanting to take their case forward to prosecution. This needed to be evidenced further with revenge porn victims themselves, which is the focus of this report.

Having now engaged almost 100 victims, it is clear they are afraid to go to the police and speak out for fear of being subsequently named and shamed in the media. Currently, victims have no protection in law which means anyone can name those victims across newspapers, social media and the Web. On top of the crime itself, this causes ongoing distress and results in many victims not coming forward to report offences. This is an unacceptable state of affairs.

We can now also see there is an inconsistent and often poor response when victims do come forward, from both the police and Crown Prosecution Service (CPS). Whilst there will be good practice and cases where victims have been well supported and got the justice they so desperately wanted, this is clearly few and far between. This has to change.

The fundamental purpose of this report is to understand the challenges in supporting victims of revenge porn and bringing offenders to justice. The results tell a shocking story of the trauma, vulnerability, humiliation and suicidal thoughts that affect many of the victims and the overall feeling of helplessness after becoming a victim. The feelings of violation and resulting hopelessness of these victims is overwhelming. We all need to work together to remedy this inexcusable situation.

The government did absolutely the right thing in developing revenge porn legislation, but it is time revenge porn laws were reviewed, and seen alongside issues such as up-skirting and 'fake porn' and that a new law covering all types of Image Based Sexual Abuse are enacted. This would bring sexual offence laws into the 21st century, as well as extend automatic anonymity to these victims of very serious and life-affecting crimes.

Background

Victim Context

Victims of revenge porn suffer from the moment their most intimate moments are shared and often results in them feeling a wide range of negative emotions such as embarrassment, humiliation, shame, guilt and vulnerability.

When victims find they have had images revealed of themselves without their consent, not only do they have to try to get their images removed, they must decide whether to report to the police, understand what might happen going forward and understand what the police can do. They also must deal with all the emotions and feelings that come with being a victim, whilst feeling like they have been sexually violated.

What victims predominantly want is the removal of these images from the public domain. Website providers could be liable for encouraging or assisting in the instruction of the offence and there should be a strong emphasis on better regulation of websites instead of individuals, but it is more than likely that many website hosts will be outside of authority.

Additional to the distress caused by having images revealed the work further found that victims avoided seeking redress because of the stigma attached, and they were unclear on how seek help and did not do so because of the fear of exacerbating the situation. Victims also felt that the police would have greater power to influence the removal of images from websites but found that it was common that police had limited powers to enforce this, despite their efforts to assist.¹

The consequences are far wider than humiliation and embarrassment, and many victims experience professional consequences, such as having to leave their employment after photos had been shared or because they were frightened by a threat that images would be published. Depression, anxiety, and even suicidal thoughts are also common.

National Context

In 2015 an offence was created under section 33 of the Criminal Justice Act 2015, which made it a criminal offence when "...disclosing private sexual photographs and films without the consent of an individual who appears in them and with intent to cause that individual distress."² Therefore to successfully prosecute someone, it has to be proven that there was a disclosure of a private sexual photograph or film, that it was without the consent of the person depicted and it was with the intention of causing that individual distress.

The focus is unduly on the motives of the perpetrator, with the law requiring an intention to cause 'distress or anxiety' to the recipient of the communication.³ The obstacle in proving that it was the perpetrators' intention to cause distress to the victim. It could therefore be argued that this additional evidential hurdle takes focus from the basic act of knowingly sharing personal, sexual images without consent, and the clear danger of the negative impact on the victim.

The legislation does not include photographs that are completely computer generated or that could only be considered sexual due to alterations. This means that altered photographs, for example where a person's head is transposed to an explicit picture of somebody else, would not be included.

¹ Image Based Abuse, The eSafety Commissioner, October 2017; ² Criminal Justice and Courts Act, Ministry of Justice, 2015; ³ Image-Based Sexual Abuse, McGlynn & Rackley, March 2017; ⁴ Sexual harassment of women and girls in public places, House of Commons Report, Oct 2018; ⁵ Revenge porn and the law, Andrew Lord, July 2018; ⁶ Revenge porn: One in three allegations dropped, BBC Yorkshire, June 2018; ⁷ Understanding Revenge Pornography, Bond and Tyrrell, 2018; ⁸North Yorkshire Police Data, NYP, October 2018.

Calls from the Women and Equalities Committee last month, states that

'The Government should introduce a new law on image-based sexual abuse which criminalises all non-consensual creation and distribution of intimate sexual images, including altered images, and threats to do so. This should be a sexual offence based on the victim's lack of consent and not on perpetrator motivation, and include an automatic right to life-long anonymity for the complainant, as with other sexual offences.'⁴ P.20

This supports exactly the work we are conducting and is a step in the right direction. However, these words now need to be turned into action by the government and further to this, website providers need to be held to account.

Disturbingly there are many websites which provide a platform specifically for the circulation of revenge porn imagery, which can also include further details about the person being depicted, such as their name and address. Whilst criminal proceedings can now be brought against the person uploading the material, website operators are not compelled to take any action. Some such website providers have reportedly ignored requests for images to be removed, which can often be the main or sole motivation of the victim.⁵ Although this is a separate matter, it is one which also needs to be addressed by the government in order to better protect victims.

National Figures

'Freedom of Information' attained by BBC Yorkshire, from 34 of the 43 police forces, revealed the total number of revenge porn offences recorded in England and Wales since 2015/16 was 7,806. There has been an increase in the number of recorded cases year on year:

2015/16	1,861 offences recorded
2016/17	2,638 offences recorded
2017/18	3,307 offences recorded

This equates to a 78% rise between 2015/16 and 2017/18.

Further data also showed that one in three allegations since 2015 have been withdrawn by the complainant.

As the numbers of cases have grown, the percentage of those resulting in charges have declined from 14% in 2015/16 to 7% in 2017/18.

The data further revealed that the average age of a victim was 25 years old with the highest percentage of victims who report revenge porn crimes are between the ages of 11 and 29 years old.⁶

The Revenge Porn Helpline launched in 2015 to help tackle the problem of people sharing intimate images online as a way of seeking revenge, humiliating or blackmailing individuals. Since its launch the helpline has taken over 7,000 calls, 2,846 in 2017.

In a police study aimed at identifying their understanding of revenge porn, the majority of the 783 respondents reported that they had some knowledge of revenge porn. 39.5% said they had

¹ Image Based Abuse, The eSafety Commissioner, October 2017; ² Criminal Justice and Courts Act, Ministry of Justice, 2015; ³ Image-Based Sexual Abuse, McGlynn & Rackley, March 2017; ⁴ Sexual harassment of women and girls in public places, House of Commons Report, Oct 2018; ⁵ Revenge porn and the law, Andrew Lord, July 2018; ⁶ Revenge porn: One in three allegations dropped, BBC Yorkshire, June 2018; ⁷ Understanding Revenge Pornography, Bond and Tyrrell, 2018; ⁸North Yorkshire Police Data, NYP, October 2018.

significant gaps in their knowledge. 38.7% said they had an average understanding of revenge porn.

The same survey found a total of 607 police officers and staff further agreed that becoming a victim of revenge porn could leave victims experiencing depression, anxiety, relationship breakdown, harassment, and stalking.⁷

Local Context

In 2015 a North Yorkshire resident became the first person to be sentenced under new laws to tackle revenge porn after he shared intimate photos he had taken of his girlfriend at the time, without her knowledge. Reliving her experiences through the court process was bad enough she said, but when her name was splashed across the national media, she was totally distraught.

Following this case, the Police, Fire and Crime Commissioner for North Yorkshire became actively involved to address the legal loophole and ensure better protection is put in place for people who have experienced this type of crime.

The resulting survey in 2015, received responses from almost 3,000 members of the public which found that the lack of anonymity is a very real cause for concern, the public are under the false impression there is anonymity in place, and the results further suggested that the lack of anonymity is actively fuelling under-reporting of cases of revenge porn to police. The data showed that:

93% would expect to remain anonymous if they reported to the police an incident of revenge porn

53% of those who would not report a revenge porn incident to the police would not do so because of embarrassment or further humiliation

67% would not reach prosecution, specifically because of the lack of anonymity provided

80% consider revenge porn to be a sexual offence

Since the law was introduced, there have been 84 cases of revenge porn recorded by North Yorkshire Police since 2015, but only 13 resulted in any charge.

2015/16	21 cases - 6 charges brought
2016/17	25 cases - 7 charges brought
2017/18	38 cases – 0 charges [*] brought

*Although there are zero charges so far this year, many of these are awaiting decisions from the CPS or waiting for digital forensics, which may still result in a charge.

Reasons however for the other lack of charges comes from: 1) victims withdrawing after reporting either due to lack of support; 2) resuming a relationship with the perpetrator; 3) being unable to prove there was an intention to cause harm; 4) being unable to find those responsible because perpetrators were outside of the UK; 5) resolution through an out of court disposal.⁸

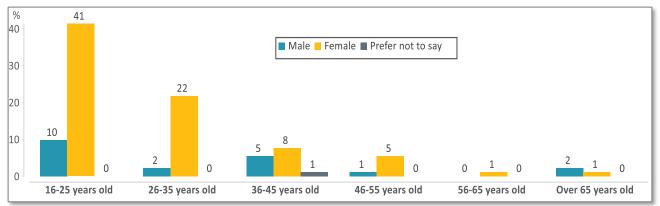
The 2018 Survey

The survey was designed so that the North Yorkshire Police, Fire and Crime Commissioner could gain an understanding of why there is an apparent lack of reporting in revenge porn incidents to the police, how well the police and others, deal with cases once they are reported and help provide insight on the low numbers of prosecutions.

The purpose of this survey was to collect that evidence directly from victims of revenge porn and to specifically find out why victims are not reporting these incidents to the police. Furthermore, there is a need to identify whether anonymity is recognised as a factor in that, and if so, to what extent. This work further supports and bolsters the law which is currently crimed as a communications offence to change it to a sexual offence therefore ensuring anonymity.

The survey went live in July 2018 and was open for 12 weeks. The campaign was featured by the BBC, local and national newspapers and promoted by The Revenge Porn Helpline, Durham University, Coventry University, the Queen Mary school of Law, Police and Crime Commissioners across the country and North Yorkshire Police. There was also a large push using social media to direct victims to the #NoMoreNaming website, survey and campaign with over a quarter of a million people reached.

92 victims of revenge porn took part in the survey, four fifths of them were women and around half were between 16 and 25 years old (Figure 1). This younger profile is consistent with other research including findings from the BBC.⁶





Base: All respondents; n=92

Very little research exists around sexual orientation and revenge porn although research conducted in Australia suggested that there may be higher rates in LGBTQ communities. Further, anecdotal evidence from the UK finds that this kind of crime is on the rise in gay communities. This survey respondents are probably fairly representative of sexuality in the UK, particularly when considering that the sample is younger biased. The proportion of bisexual victims identified in Figure 2, may appear high however younger people are more likely to identify as bisexual; as many as 50% according to YouGov (2015). The absence of lesbian victims does suggest that perpetrators of this crime are almost exclusively male.

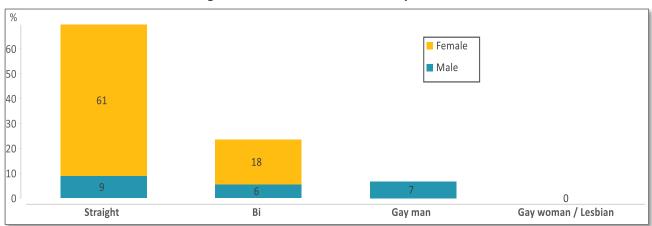


Figure 2. Sexual Orientation of respondents

Base: All respondents; n=92

Whilst 92 responses might not be seen as a huge number to base our findings on, it does represent the stories of 92 people who have all gone through a similar traumatic experience. The findings are stark enough to build some strong recommendations for all the stakeholders.

Survey Results

"The complete humiliation of this happening to you is impossible to describe"

The numbers say it all

Huge underreporting, few cases being prosecuted, zero satisfaction for victims.

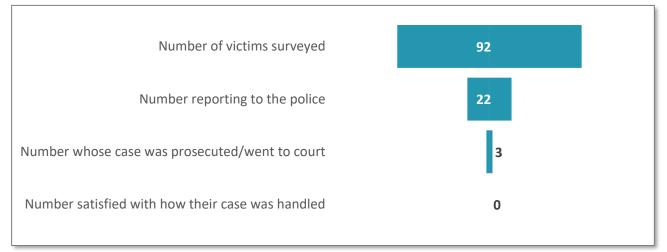


Figure 3. An overview of how few victims get any justice

Base: All respondents; n=92

Barriers to Reporting

So why are so few victims reporting to the police?

We found, of the 76% of those who did not make a report to the police, only a small proportion (7%) of victims said that 'nothing would convince them to make a report to the police'. This implies that the remaining **two thirds of all victims of revenge porn would come forward if they could be assured it would be worthwhile but are currently being deterred from making any report to the police.**

Several inter-linked barriers to reporting emerge in Figure 4 and are perhaps best summarised as **fear**, **uncertainty** and **doubt** in a powerful combination which clearly inhibits any action.

The largest single barrier relates to the emotional aspects of this crime. Victims are too embarrassed or ashamed to come forward or are afraid of what people will think of them. They are already experiencing the trauma of images/videos being published/shared, then they have to share these themselves with police officers and potentially risk the nature of their report becoming known to friends, family and colleagues.

Uncertainty over the role and response of the police is also significant with half (49%) **feeling they would be blamed in some way** and a similar percentage suspecting **the police would not do anything**. The final key barrier is to do with **a lack of awareness of what course of action is open to them.**

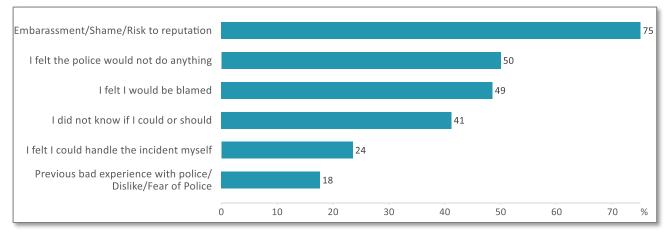


Figure 4. Reasons for not reporting to the police

Base: Those not reporting to the police; n=69

Question: Why did you not report to police? (Please tick all that apply)

Figure 5 below highlights how certain assurances would persuade more victims to come forward. It is clearly **necessary for the police and judiciary to better communicate that victims of revenge porn will be taken seriously and handled sensitively**.

The most widely required assurance, relates to anonymity and privacy. With a massive 97% of victims saying that anonymity is important. However, as the law stands this cannot be guaranteed. Revenge porn is classified as a communications offence and not a sexual offence and as a result, victims do not get automatic anonymity as would be the case for victims of sexual offences.

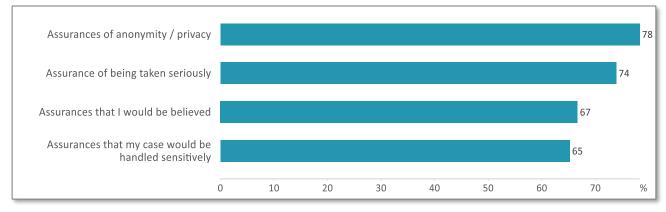


Figure 5. What would persuade non-reporters to report?

Base: Those not reporting to the police; n=69

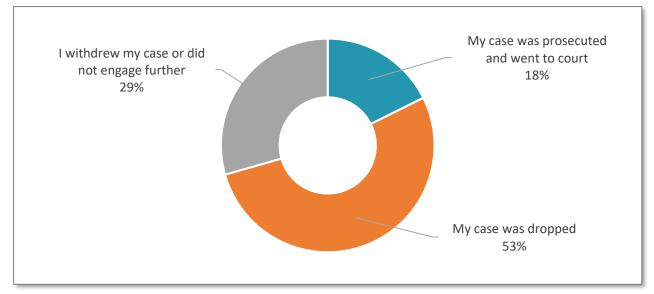
Question: Would any of the following persuade you to report the incident? (Please tick all that apply)

In fact, over half (60%) of those who did report to the police were still concerned by a lack of guaranteed anonymity and this had an impact on how strongly they pursued their case.

There is also some evidence that 26-35 year olds are more likely to report than 16-25 year olds (41% versus 13%). The younger age group were more likely to say they would be 'too embarrassed', 'feel they would be blamed' or say that they 'weren't sure if they could or should report'. The fact that younger victims feel more vulnerable is something that should be considered and picked up on in subsequent communications around this issue.

Policing Response

Less than a fifth of the 23 cases (18%) that were reported to the police in our survey made it to court. Over half were dropped by the police and two thirds were withdrawn by the victim.





Base: Those reporting to the police (excluding on-going cases); n=17

Question: What happened after reporting your case to the police?

Numbers for analysis are very low but a simple look at service ratings highlights why these numbers are so poor. Only 17% felt the officer dealing with their cases was able to do so in an appropriate manner and two thirds (65%) felt that the police dealt with their case poorly.

An overview of service satisfaction in Figure 7 highlights a widespread lack of empathy and understanding of this crime along with poor communication with the victim.

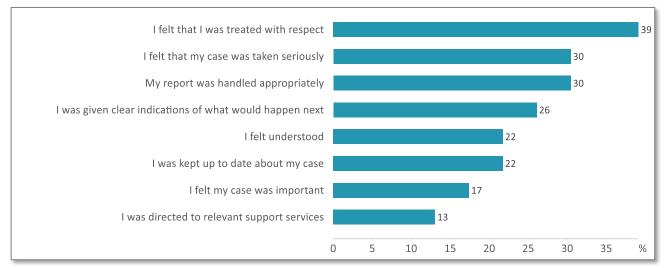


Figure 7. Agreement with different aspects of the service provided by the police

Base: All those reporting to the police; n=23

Question: How much do you agree or disagree with the following statements about the service provided by the police? (% strongly agree or agree)

One victim's recommendation on what the police need to do underlines these issues.

"They need properly trained, empathetic officers, ideally one single point of contact as opposed to your case being bounced between officers would certainly help. The thought of multiple police officers viewing the images was horrifying."

Many of the comments made about the police investigations, in terms of the actions they took and what they got right and wrong, point to a lack of process and procedure around this issue.

The police are clearly finding it difficult to classify the crime, investigate it or build a case. They are also unable to meet the primary need of victims, which is to have their images/video removed from public view. As one victim put it:

"They need to learn about the law. Recognise it is a serious crime".

The extreme 'patchiness' of response is clear and positive sentiment was hard to find but there was some evidence of positive actions being taken.

"They contacted the perpetrator to show they were considering action".

"They didn't act like it was my fault and followed through on investigating". (This actually points to a low level of expectation).

"They were supportive and available to discuss..."

Access to Support

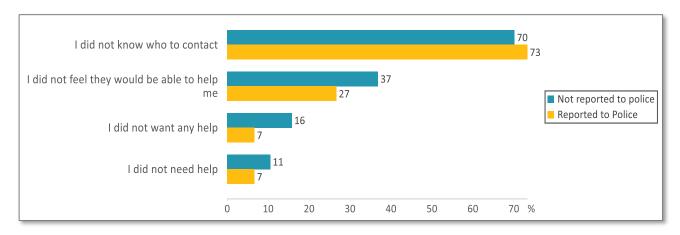
Less than a fifth (22%) of the victims we surveyed, had accessed support; 32% of those who had reported to the police and 19% of those who did not. This indicates that some officers are signposting support services to victims.



Figure 8. Proportion seeking support by whether they reported to the police

Question: Whether or not you have reported to the police, have you contacted any service helplines or victim's services?

However, when we look at reasons for not seeking support (Figure 9) we can see that over two thirds of victims didn't know who to contact, even those who had reported to the police. This suggests that **officers are not always discussing the options for support with victims.**





Base: Those not seeking support; n= 72 (reported to the police; n=15; did not report to the police n=57)

Question: Why not? (Please tick all that apply)

The Revenge Porn Helpline was the most popular service, and this was the service that those who reported to the police contacted. It was less well known amongst victims who did not report, and they were more likely to seek support from other types of support groups.

Most victims were satisfied with the service they received from the support services including the majority of those using the Revenge Porn Helpline.

This is at odds with what they experienced from the police. The assistance received appears to be very practically focused, which is what victims primarily need in these cases. The following were all mentioned: Helping with removing images; advice on building a case; explanation of the law and signposting to free legal advice. They are actually providing the service that victims would really expect to come from the police.

Better signposting to the Revenge Porn Helpline is required, both externally and within police forces. This is likely to create a dramatic increase in demand and would need to be supported by increased funding.

Key Findings

The key finding identified from the survey are:

- 1) Only 24% of respondents reported anything to the police, supporting our assumption that revenge porn incidents are under reported
- 2) 90% of victims would have reported their incident to the police if a range of assurances, predominantly related to anonymity, were in place
- 3) 65% of all respondents do not report because they feel embarrassed and ashamed
- 4) The under-reporting of revenge porn cases, **is** strongly connected to the lack of anonymity, with 97% of respondents stating anonymity as important
- 5) Victims, whether they had reported to police or not, did not know who to contact for support and from those who did, the Revenge Porn Helpline was the most popular and praised
- 6) Support services are providing the services that victims expect from the police such as removal of images and building a case
- 7) Some incidents, police have taken no further action on because they do not classify the incident as *'revenge'* or victims are being told that it was a *'case of embarrassment rather than revenge porn'*
- 8) The police seem to be failing victims on what should be standard operational tasks such as giving clear direction on what was happening, being kept up to date and being directed towards support services

Recommendations

1. The government should use the Domestic Abuse Bill to immediately extend automatic anonymity to victims of revenge porn

This research has proved beyond doubt that a lack of anonymity has a direct impact on whether victims feel able to come forward to the police or not. To resolve this issue, the government should commit to using the forthcoming Domestic Abuse Bill to reclassify revenge porn as a sexual offence rather than communications offence, which in turn would mean all victims would get automatic anonymity.

Failing that, there is no reason for the Government not to immediately extend automatic anonymity to victims of revenge porn as a standalone offence, as it has done for other offences in the past such as Female Genital Mutilation. Progressing neither of these options would be to further let down victims and ignore compelling evidence.

2. The current law must be immediately strengthened

The threshold for charging offenders is clearly too high, and not enough offenders are brought to justice. The law as it stands is too focused on the *intent* of the offenders, such as the intent to cause distress, with not enough focus on the impact on the victim. The government should use the Domestic Abuse Bill to amend the law to remove '*with the purpose of causing*

embarrassment or distress' from the revenge porn law, ensuring just the sharing of revenge porn images is enough in itself to be an offence.

3. In the longer term, the government should bring forward an Image Based Sexual Abuse Bill

The very narrow legislation covering revenge porn needs to be widened, fitting into a set of new laws under a new Image Based Sexual Abuse Bill. This should include revenge porn, 'fake porn', upskirting and other more modern sexual crimes. All victims of these new crimes should receive automatic anonymity.

4. The police need increased powers to remove images quickly

Revenge porn images are being used for personal revenge and/or monetary reward, which has no place in modern society.

This research has highlighted that it is all too difficult for the police to remove images from the internet. This only heightens and extends the harm done to victims.

The government needs to consider ways in which police powers in this respect can be widened, and laws are made requiring images attached to reports of revenge porn to be removed within 24 hours of police notice.

5. The Revenge Porn Helpline should receive increased and long-term funding

The service the helpline gives is invaluable and often the only dedicated support and constructive help victims of revenge porn receive. There should be clearer signposting for victims, and the helpline should receive increased, long-term financial support ensuring it can expand to meet the needs of the increasing numbers of victims through advertising and recognition of their valuable service.

6. A review and development of training provided to police and CPS practitioners

The College of Policing needs to work alongside CPS colleagues to develop a national training framework for revenge porn, ensuring a consistent approach to this crime.

The way victims are treated makes them feel like the crime against them is not serious or important enough. Interpretation and knowledge of existing legislation needs to improve drastically.

Concluding Comments

Urgent action is needed to support victims of revenge porn who come forward, as well as those who don't, and give confidence to members of the public that they will be supported, including keeping their identity anonymous, should they become a victim.

At the moment, "revenge porn" is classified as a communications offence and not a sexual offence and as a result, victims do not get automatic anonymity as would be the case for victims of sexual offences. To be classed as "revenge porn", the perpetrator will have shared private, sexual materials without consent and with the purpose of causing distress.

What is abundantly clear from the survey results is the upmost need to have the law changed to protect victims. Anonymity is highly significant to victims and changing the law will provide the security and assurance needed for victims to come forward.

How victims are left feeling is shocking and unacceptable. There needs to be support in place for them as this will reduce feelings of hopelessness and suicide that are commonly felt by victims. (See Appendix A) To achieve this the support services provided need to be published both to the general public and police officers so that there is increased knowledge of what is provided.

The Government has stated that image-based sexual abuse is not a sexual offence because it does *'not require any element of sexual contact or sexual gratification'*. This serves to misunderstand both the nature of this crime and the driving factor around sexual crimes more generally. Should the motivation to commit this type of crime be better understood, then it may serve to make the case for including 'revenge porn' as a sexual offence.

On top of the need for laws to be changed and to have better protected support in place for victims, this report also highlights the failings of the police and the lack of powers they have in removing images and what they can and cannot do to investigate the crime. This needs to be addressed so that the police have the relevant powers and victims will get the justice they deserve.

Quantitative Responses from Victims

What else do you feel is important for us to know?

"I'm a mature male, I felt sexually violated. I'd hate to think how young people feel as victims of this. Anon is a MUST!"

"Revenge porn leads to victim suicide, depression and a complete destruction of someone's life. It isn't taken seriously enough. Women are shamed and humiliated and their futures are destroyed..." "I think that when you consider the struggles that women are having with things like reporting domestic violence, it is irresponsible for revenge porn to be considered anything BUT a sexual offence."

"This is a serious crime and can cause thoughts of suicide it really needs to be addressed and the laws changed"

"We must stop the victim blaming... I was blamed and shamed into keeping quiet. I do not want others to feel this pain."

"You need to offer anonymity to people reporting such cases. It's about their own safety. These people don't just share images, they share everything about the person..."

What did the police do or not do?

"No arrests made, despite being told in my interview that there was enough evidence to arrest." "They let him go and told me because he had not long turned 16, he wasn't mature enough yet to understand his actions. I was 15."

"Quite sympathetic but would take no action."

"Invited the perpetrator in for a voluntary interview and then nothing happened."

"They attempted to trace the posts, but they never found whoever did it."

"I was told it was a case of "embarrassment" and then nothing happened!"

"Nothing as the perpetrators are still sharing my footage (5 years on !!!)."

"Refused to investigate."

"They didn't think he was mature enough to know right from wrong."

What could police do differently?

"Take it seriously."

"Provide support, look further into the case."

"Keep me more informed of what was happening."

"Offer support."

"Act on it and take it seriously."

"Look into it and take action. Offer concrete advice and take the victim seriously."

"Offer support, discuss support agencies and punish the offender."

"There should be laws in place for Police or prosecutors to guarantee anon to victims of this hideous abusive crime."

"Secured suspects phone immediately I made a complaint - he destroyed his phone (said it was run over)."

¹ Image Based Abuse, The eSafety Commissioner, October 2017; ² Criminal Justice and Courts Act, Ministry of Justice, 2015; ³ Image-Based Sexual Abuse, McGlynn & Rackley, March 2017; ⁴ Sexual harassment of women and girls in public places, House of Commons Report, Oct 2018; ⁵ Revenge porn and the law, Andrew Lord, July 2018; ⁶ Revenge porn: One in three allegations dropped, BBC Yorkshire, June 2018; ⁷ Understanding Revenge Pornography, Bond and Tyrrell, 2018; ⁸North Yorkshire Police Data, NYP, October 2018.

