

How Selective Extraction can help to deliver a better justice system for the victims and survivors of sexual crime

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It is impossible to fully understand the pain and suffering of victims and survivors of sexual violence. This is all too often compounded when victims come forward, only to find that they are not believed.

Our most recent Trend Survey (https://www.cellebrite.com/en/insights/industry-survey/)of police forces in the UK and around the world validated the importance of digital data to investigations. In order to help complainants and witnesses understand how their data may be processed and used in criminal cases, police and prosecutors in England and Wales have rolled out a Digital Evidence

Extraction Consent Form (https://www.npcc.police.uk/documents/NPCC%20FINAL%20CONSENT%20v1.2.pdf).

Most people now agree that technological solutions need to be front and center in investigations as police contend with the deluge of digital evidence. But current processes have led some women's groups and others to express serious concerns that victims and survivors could be deterred from seeking justice if they are asked to hand over their devices for police examination.

News outlets have featured case studies of women who have had to hand over their phones for up to two years (https://www.bbc.co.uk/news/uk-48086244). Concerns have also been raised that victims and survivors having their entire phone examined (https://rapecrisis.org.uk/news/latest-news/new-forms-launched-by-police-to-explain-use-of-crime-complainants-data/) after a rape or sexual assault is a disproportionate and unnecessary invasion of their privacy.

Recognizing the concerns that have been raised, police and prosecutors have been clear that complainants will only be asked to sign the Form (https://www.cps.gov.uk/cps/news/police-and-prosecutors-invite-victim-groups-discuss-concerns-about-new-consent-form) where the information on their phone or other devices is considered to be a reasonable line of inquiry in the context of the case.

With the rate of prosecutions for rape in England and Wales at a 5-year low (https://www.theguardian.com/society/2019/mar/06/prosecution-rate-in-england-and-wales-falls-to-five-year-low), it is generally acknowledged that the criminal justice system must work better in cases of rape and sexual assault. We are mindful and sympathetic toward victims and survivors, who can perceive the examination of their phone as a further invasion of their privacy, and who may face inconvenience and distress when their device becomes part of the police investigation.

Our recent advances go a long way to addressing legitimate concerns over privacy. In part as a result of these concerns, the Cellebrite Digital Intelligence Platform now supports Selective Extraction, meaning that police investigators need only collect data from a device that is strictly relevant to the case in question.

This eliminates the need to 'browse' through unrelated personal data, which has been likened by some to 'a digital strip search' (https://www.telegraph.co.uk/technology/2019/04/29/digital-strip-search-everything-facebook-messages-fitbit-data/). Nobody wants the victims and survivors of sexual crime to feel as though they have been invaded in this way by the criminal investigation; so we are constantly developing our technology to deliver better justice for those who have suffered whilst protecting the innocent.

Always working within the realm of the law, investigators can now, for example, limit their search to the period relevant to the alleged crime, extract only the interactions between those involved as opposed to all contacts on the phone, or even conduct a search based on relevant key words.

Our simplified and condensed processes mean that, far from women having to hand over their devices for long periods of time, police now have the ability to meet with them in their own home, or wherever they feel most comfortable, to extract the relevant data. The time needed to extract the data is dramatically reduced, minimizing the inconvenience to victims and survivors and ensuring they retain access to their devices.

There is a stringent protocol for how the data is used and reviewed and who has access to it. Our systems also log who collected the data and when.

Sometimes suspicion and fear gain more traction than the positive outcomes of technological advancement, but the technology can be critical in enabling the police to catch sexual offenders and prove their guilt. We welcome the UK

government's review of how rape and sexual violence cases are handled in the criminal justice system (https://medium.com/@MoJGovUK/tackling-violence-against-women-girls-how-were-improving-the-criminal-justice-response-to-eb52346f6672) and believe that victims' experiences must be at the heart of this. We will continue to work with police forces and others to ensure that the true potential of technology to serve justice is delivered.

2019 Industry Trend Survey: Law Enforcement

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